

PROPOSED AGENDA
COUNCIL MEETING
November 9, 2011
7:00 PM

CALL TO ORDER – Mayor Sammy Phillips
PLEDGE OF ALLEGIANCE
INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

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City Council

Mayor

City Attorney

City Manager

CLOSED SESSION – For the purpose of consulting with the attorney in order to preserve the attorney client privilege pursuant to General Statute 143-318.11, subsection (a-3)

COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

October 18, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday October 18, 2011 beginning at 5:00 PM in Meeting Rooms A and B of the Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden, and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:02 PM.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Willingham, and unanimously approved to adopt the agenda as presented.

FIRST RESPONSE PHASE II

Mr. Woodruff stated he would like Council to consider a final decision for the First Responder Program. Up to this point Council had been presented with the information, but had not been able to discuss the issue. The program was beneficial to the citizens, so the question was whether the system could be improved. As part of Council's goal setting, staff was asked to work on effectiveness, efficiency and economical service. The medical responder issue was framed using that goal.

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Mr. Woodruff stated that the first thing to change was the police priority. The police now responded as a priority one which included lights and sirens. The fire department had always responded this way. The second item to determine was whether it was beneficial to use a different type of

equipment for medical calls. Mr. Woodruff discussed the advantages and disadvantages to this change. He stated that two pickup trucks could be purchased with the funds that had been budgeted for one brush truck. The pickups could be better placed for response to medical calls, and would have less traffic impact. If the test program did not work out, the two trucks could be repurposed and assigned to another division such as Parks and Recreation. As far as disadvantages, there were some concerns such as driver certification issues and whether there would be any accreditation impact. Mr. Woodruff asked Council to approve the purchase of the two pickup trucks and authorize the test program. The results of the program would be reported back to Council during budget deliberations.

Mayor Phillips asked if there were any obvious conflicts with accreditation standards. Chief McIntyre stated that the standard for cover was designed primarily for fire and hazardous materials response. The way the crews would have to be split and additional units rearranged would affect the standard of cover.

Councilman Bittner asked what criteria would be used to evaluate success or failure after a given period of time. Mr. Woodruff stated that the level of response time would need to be reviewed as well as the impact on fire calls. Discussion followed on the splitting of crews and the handling of fire and medical calls coming into one station.

Mayor Pro-Tem Lazzara stated that the question originated from discussion of response times on calls. From previous discussions 70% of the calls were for medical response. Chief McIntyre stated that in the next round of accreditation review, we had to track the effective response of the force or the time it took to put twelve people on the scene. Those types of challenges needed to be worked through, but he felt it could be done.

Councilman Bittner asked if we were breaking new ground or were there other municipalities using the smaller vehicles. Chief McIntyre stated there were a number of departments that use smaller vehicles in addition to running separate units. In reality what we were doing at Fire Station 5 was a good example. They were taking all medical calls with two people in a small truck and doing a limited response for fire calls.

Chief McIntyre said the pickup trucks would take the place of the purchase of the brush truck. Councilman Warden felt that the City may be able to replace brush trucks with regular trucks if this pilot worked and savings were realized.

Mr. Woodruff stated the experiment was to improve medical response time. For the test period, two more vehicles would be added to handle emergency medical calls and limited fire calls.

Councilman Bittner asked for the bottom line on cost and what was budgeted. Mr. Woodruff stated that \$150,000 was budgeted. Bids for the skid units and the two trucks should be no higher than \$175,000, so there should be around \$25,000 unbudgeted plus any type of certifications that may be needed. Chief McIntyre stated that for the pilot program some existing positions may need to be reclassified, but no additional staff was needed at this time.

Councilman Bittner asked what benchmarks were going to be acceptable. Mr. Woodruff stated that if we got anywhere near 20%, it would be amazing. It was hard to state at this time a percentage. They would have to decide together looking at all issues on whether it was successful.

Councilman Thomas stated that he felt it would be hard for Council to evaluate the program in the end and not know the goals in advance. Mayor Pro-Tem Lazzara asked that staff bring back the matrix showing the categories and maybe staff could also look at how many municipalities use smaller vehicles for emergencies. Councilman Warden asked to see the impact on budget if employees had to be reclassified. Mr. Woodruff stated staff would bring back more information for Council.

Mayor Phillips stated that the majority of Council members seemed to be okay with the program idea. Mr. Woodruff stated staff would go out for bids, so they had a better idea of the numbers, but not award any at this time.

Separate from the equipment, Mr. Woodruff stated that both the Police Chief and Fire Chief had been working with Mr. Massey and ITS looking at response to various calls. They have been looking at the protocols to determine how we could get our units rolling sooner. They were focused on improving response times and would be bringing back information to Council.

RECESS/RECONVENE

Mayor Phillips recessed the meeting for a break at 5:46 PM. Mayor Phillips reconvened the meeting at 6:01 PM.

MULTIPLE FAMILY HOUSING LANDSCAPING

Ryan King, Planning Administrator, stated that commercial landscaping standards presented in a workshop last year had been simplified and landscaping standards for multi-family added for Council's review. Using the PowerPoint presentation attached as Exhibit A, he compared current versus proposed standards. Mr. King stated that the current proposal increased the cost of landscaping a site by two times, whereas the proposal back in February would have increased the cost four times. Reggie Goodson, Developmental Services Director, added that the City's current landscaping requirements were minimal based on other jurisdictions and there would be increases in cost to get where other jurisdictions were. In terms of overall development, the cost increase was minimal and would make the City more beautiful.

In regard to multi-family landscaping, Mr. King reviewed the new standards. There were two types – 1) adjacent to major/ minor thoroughfares or collector streets and 2) adjacent to all other roadway types with three options for each type – 1) with berm, 2) without berm, and 3) alternative design approved by Development Services Director. He stated the Planning Board recommended approval of the new standards and recommended that the changes be allowed to be used immediately, but would not become mandatory until 60 days after adoption.

Council indicated their approval to prepare the Ordinance amendment for presentation to Council in November.

ANNUAL REPORT – DEVELOPMENT SERVICES

Using the PowerPoint presentation attached as Exhibit A, Mr. Goodson provided the annual report for Development Services reviewing accomplishments and goals of Planning, JUMPO, Building Inspections, and Community Development. In Planning there had been more development plans submitted in 2011 than in 2010 which was good in this economy. The review of the Unified Development Ordinance (UDO) has been completed by staff and the Steering Committee. Clarion Associates were making the changes and it would be available soon to start the public hearing process.

Mr. Woodruff stated that at every workshop, one or two departments would present their reports even though Council had already received written reports. He stated that the building division was one of those areas that had received complaints. Through the efforts of Developmental Services departments, a lot of strides were made this year.

JACK AMYETTE RENOVATIONS

Using the PowerPoint presentation attached as Exhibit A, Tim Chesnutt, Recreation and Parks Director, reviewed the renovations that took place in the past year and those they were recommending for the future at the Jack Amyette Center. Mr. Woodruff pointed out that while a lot of the work was done by a contractor, City Staff completed many of the renovations last winter. They tore out the old walls and repainted. Not all of the work had to be hired out.

Mr. Chesnutt stated that there was a four phase approach to completing the outside property. The City had an Interlocal Agreement with the Board of Education because the majority of the property was School Board property and they agreed with the concept. Once Council's formal approval had been received, they would go back to the School Board with the specific site plan for their approval.

After review of the site plan, Councilman Bittner asked if the splash pad would be better located by the playground for concentration of like facilities by age group. Mr. Chesnutt said that was a good point and he would have it looked at.

Mr. Woodruff stated that the plan was to focus on Jack Amyette until it was finished. The components and phases may change with the budget, but when finished it would be a fully functional first class community park. Mr. Chesnutt stated for the FY12 year, they were proposing Phase I and those funds had been budgeted.

Mayor Pro-Tem Lazzara asked about the Boys and Girls Club. Mr. Chesnutt stated that he and Mr. Woodruff met with the Executive Director, Mr. Marks in January and made him aware of the plans and intentions for the facility. His administrative office was still in one of the buildings to be demolished, but the second building being used for storage had been vacated. Mr. Woodruff stated we would need to work on a plan for them to relocate and would let Mr. Marks know that the space would not be provided by the City.

Mayor Pro-Tem Lazzara asked if the City had any obligation to relocate them as he didn't know what the original agreement stated. Mr. Woodruff said that in discussions with Mr. Marks, he indicated their appreciation of the City providing the space, but did not indicate they felt the City was obligated to keep them in a space; however, he would verify that through the records.

Council indicated their concurrence with the concept plan.

STATE TRANSPORTATION IMPROVEMENT PROGRAM

Anthony Prinz, MPO Administrator, distributed handouts to Council that provided a map of the Jacksonville Urban Area MPO listing roadway projects and an update on the current NCDOT construction projects. Using the PowerPoint presentation attached as Exhibit A, he updated Council on the transportation prioritization process for the TIP and a separate related initiative to identify overarching transportation needs for Eastern North Carolina. Progress was made at a meeting supporting regional needs. They were successful in having four of six projects included in the overall regional priority list.

ADJOURNMENT

A motion was made by Councilman Thomas, seconded by Councilman Bittner and unanimously adopted to adjourn the meeting at 6:56 PM.

COUNCIL MINUTES

REGULAR MEETING

October 18, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, October 18, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden, and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:06 PM.

PLEDGE OF ALLEGIANCE

Mayor Phillips recognized Boy Scout Troops 597 and 87 who were in attendance to work on their Citizenship in the Community Merit Badge. The members led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Councilman Warden, seconded by Councilman Thomas, and unanimously approved to adopt the agenda as amended to remove the property acquisition discussion from Closed Session.

ADOPTION OF MINUTES

A motion was made by Councilman Thomas, seconded by Council Member Coleman, and unanimously adopted to approve the minutes of a Special Workshop Meeting held October 4, 2011 as presented and the minutes of the Regular Meeting held October 4, 2011 as presented.

PRESENTATIONS

RECOGNITION OF SERVICE – COUNCILMAN BITTNER

Mayor Phillips recognized Councilman Bittner for 20 years of service with the City and presented him with his 20-year pin. Councilman Bittner stated it was a source of pride to have been an employee of this community and elected to serve as a representative of the people. Jacksonville was his community and he had spent more years here than in any other place.

RECOGNITION OF JACKSONVILLE AS AN OFFICIAL REGIONAL SITE FOR VETERAN'S DAY OBSERVANCES

Paul Levesque, President of the Rolling Thunder, stated that Rolling Thunder was not a motorcycle club, but a national organization with the mission of educating the public on the POW/MIA issue. Seven years ago Rolling Thunder began organizing the Jacksonville-Veterans Day Parade. An application was submitted to the Department of Veterans Affairs to recognize Jacksonville as an official regional site for Veteran's Day Observances. Mr. Levesque reported that the City of Jacksonville had received this prestigious designation and Jacksonville was now one of only six other communities to have received the honor. He presented the Mayor with the Recognition Certificate along with a framed copy of the 2011 Veteran's Day Poster, designed by a Vietnam Veteran. Mayor Phillips thanked the members for all their organization did.

PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH

Mayor Phillips read a Proclamation naming October as Domestic Violence Awareness Month. Following the reading of the Proclamation, Police Chief Mike Yaniero, an Onslow Women's Center board member, accepted the Proclamation.

PROCLAMATION – MINORITY ENTERPRISE DEVELOPMENT DAY

Mayor Phillips read a Proclamation naming October 21, 2011 as Minority Enterprise Development Day. Following the reading of the Proclamation, Mona Padrick, Jacksonville•Onslow Chamber of Commerce President, and Million Heir-Williams, Minority Business Services Division Manager accepted the Proclamation.

MAYOR'S COMMITTEE FOR PERSONS WITH DISABILITIES AWARDS

Council Member Fannie K. Coleman, Liaison to the Mayor's Committee for Persons with Disabilities, assisted Mayor Phillips in presenting the Individual Distinguished Service Awards to Laura Quinn and Dora Gaskin for their volunteer work with Special Olympics.

PUBLIC HEARINGS

VOLUNTARY ANNEXATION PETITION – BHP WESTERN – WELLINGTON
GROVE – 5.57 ACRES

Ronald Massey, Assistant City Manager, stated a voluntary annexation petition was received from John Pierce, Managing Partner, for BHP Western. The property proposed for voluntary annexation was two parcels contiguous to the City limit boundaries totaling 5.57 acres. Tract one (2.05 acres) was located adjacent to Carolina Forest Blvd across from The Arbors in Carolina Forest. Tract two (3.52-acres) was located adjacent to Emerdale Apartments in Carolina Forest. These two tracts were planned as additional acreage for abutting property that was already inside the City limits. A future project (Wellington Grove) was proposed for a six building/88 unit 94,839 square foot apartment complex. A site plan was recently submitted; however, it had not at this time been reviewed or approved. The two tracts were a small portion of the overall proposed project; therefore, a detailed analysis of costs and revenues could not be prepared with any degree of accuracy specific to this annexation. The annexation area did not require significant infrastructure investment on the City's behalf.

Mayor Phillips recessed the regular meeting at 7:33 PM in order to convene the Public Hearing.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:34 PM and reconvened the regular meeting.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to move to adopt the Annexation Ordinance as presented.
Ordinance 2011-58, Bk. 10, Pg. 519

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

NEW BUSINESS

CONSENT ITEMS

FY12 FIRST QUARTER GENERAL BUDGET AMENDMENT

During the first quarter of FY12 several departments submitted budget amendment requests. The details of the adjustments were shown in the staff report. This budget amendment decreased the use of appropriated fund balance in the General Fund by \$20,893, appropriated

\$8,596 of General Fund contingency, and increased the use of appropriated retained earnings in the Water/Sewer Fund by \$223,929.

Council approved the Budget and CIP Amendments.

Ordinance 2011-59, Bk. 10, Pg. 522

Ordinance 2011-60, Bk. 10, Pg. 528

2011 COPS HIRING PROGRAM (CHP) GRANT AWARD ACCEPTANCE

The Police Department has received notification of a 2011 COPS Hiring Program Grant Award to hire two police officers. The estimated amount of federal funds to be awarded over the three-year grant period is \$328,526.00. No local match was required. Equipment and supply costs will be borne by a combination of City funding and funding derived from the Police Department's participation in the Department of Justice Asset Forfeiture Program.

Council accepted the Grant and authorized the City Manager to sign the Grant documents, and approve the Position and Budget Amendments.

Ordinance 2011-61, Bk. 10, Pg. 527

Ordinance 2011-62, Bk. 10, Pg. 528

AWARD BID FOR PURCHASE OF FULLY AUTOMATED REFUSE TRUCK

The Sanitation Division continued to implement the conversion to automated refuse collections. To achieve this goal, bids were solicited, received and opened September 15, 2011 for the purchase of an automated refuse collection truck. Funds in the amount of \$240,000 had been budgeted by City Council for the purchase of a fully automated refuse collection truck.

Council awarded the bid to purchase a fully automated refuse collection truck to Trans Source, Inc., in the amount of \$235,427.00.

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEE

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to extend the Surety Agreement: Aragona Village Section XI-A; Aragona Village Section XI-A (NCDOT Turn Lane); Ivy Glen Section I; Ivy Glen Section II; Southpointe Section II-C at Carolina Forest.

Council authorized staff to process condemnation of the financial guarantee if the developer was unwilling or unable to extend the Surety Agreement.

MUNICIPAL AGREEMENT FOR TRANSPORTATION IMPROVEMENTS PLAN
(TIP) PROJECT - TIP PROJECT U-5132, NEW MARINE CORPS BASE
ENTRANCE GATE

The N.C. Department of Transportation (NCDOT) has plans to make improvements to NC 24 (Lejeune Boulevard) which includes constructing a trumpet interchange between SR 1308 (Bell Fork Road) and US 17 Bypass for new access to Camp Lejeune Marine Corps Base. This Project, known as New Marine Corps Base Entrance Gate, is expected to be advertised in April 2012. Once bids have been received, NCDOT will submit a Utility Agreement for the City to execute which will reflect actual bid prices for this work.

At the City's request, NCDOT has prepared a cost estimate to relocate these utilities in the amount of \$300,000. These utility lines have been designed by NCDOT and will be relocated by NCDOT's contractor during the construction of this project.

Council approved the Utility Agreement and Budget and CIP Amendments as presented.

Ordinance 2011-63, Bk. 10, Pg. 529

Ordinance 2011-64, Bk. 10, Pg. 530

AWARD BID FOR PURCHASE OF KNUCKLE BOOM/GRAPPLE TRUCK

Vehicle 120 is a 2001 model that is due to be replaced as per the Sanitation Division's replacement schedule. We are recommending the purchase of a new knuckle boom truck and to retain vehicle 120 as a backup unit within the Division.

Council awarded the bid to Triple T Freightliner in the amount of \$109,992.00 for the purchase of a Knuckle Boom Truck and authorized the retention of vehicle 120 as a backup unit.

NON-CONSENT ITEMS

DEPARTMENT OF TRANSPORTATION MOWING AGREEMENT

Michael Liquori, Parks Superintendant, stated that since July 2010 the Parks Division took over the mowing of Western Boulevard Extension from Highway 17 to Gateway North. They had been able to mow it on a weekly basis, while the State only mowed it six times during the year. An analysis would be presented to Council on November 9, 2011 in their Annual Report. Staff requested Council to approve the Mowing Agreement with North Carolina Department of Transportation (NCDOT) which would allow the City to receive reimbursement for the mowing of Western Boulevard Extension on an annual basis and to amend the Recreation and Parks Department budget to appropriate the funds received from NCDOT.

Councilman Bittner stated that he thought the City made a good decision to mow and clean this major City thoroughfare more often than the State was able to.

Councilman Thomas stated he had received frequent negative feedback on this area prior to the City taking over and it had turned out fantastic. Mayor Phillips agreed.

A motion was made by Councilman Bittner, seconded by Warden, and unanimously approved to authorize the City Manager or his representative to sign the NCDOT Mowing Agreement and approve the Budget Amendment.

Ordinance 2011-65, Bk. 10, Pg. 531

BID AWARD – CITY HALL EXTERIOR ENVELOPE PROJECT

Wally Hansen, Infrastructure and Capital Projects Manager, stated that City Staff began to identify water infiltration issues upon occupying City Hall after its renovation. Staff attempted to work with the contractor to address the issues with no success. Following the recommendations of previous environmental studies, the City hired John Sawyer Architects, PC to design the necessary repairs. The City worked with the architect to prequalify bidders who had experience in restoration projects similar to the type of work required for the rehabilitation of City Hall. Bids were received and opened on October 11, 2011.

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Mr. John Sawyer presented the scope of the bid and provided an overview of the work to be completed. The water intrusion had been primarily caused by poor flashing of the masonry work on the building. To fix it required removal of a substantial portion of the masonry on the building, but a number of items needed to be addressed.

Councilman Thomas asked how long the project was anticipated to take. Mr. Sawyer stated the construction time was about 9 months. After the bid was awarded, work wouldn't be seen on the site immediately because the contractor must have materials ready before the building work could begin.

Mr. Carter stated that there was litigation underway and the mandatory legal mediation had been recessed until Mr. Sawyer's firm was involved and provided plans. The legal meditation was scheduled to reconvene between now and the end of the year. The City's outside legal counsel were privy to all of the information to make sure they agreed to move forward in this manner.

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously adopted to approve the Budget and CIP Amendments and award the bid to Progressive Contracting Co., Inc. in the amount of \$1,033,000.

Ordinance 2011-66, Bk. 10, Pg. 532

Ordinance 2011-67, Bk. 10, Pg. 533

DESIGNATION OF VOTING DELEGATE FOR THE NATIONAL LEAGUE OF CITIES CONGRESS OF CITIES ANNUAL BUSINESS MEETING

The National League of Cities (NLC) Congress of Cities was scheduled to be held in Phoenix, Arizona, from November 9-12, 2011. The Annual Business Meeting would be held on Saturday, November 12, 2011 from 2:30 PM to 4:30 PM. To be eligible to cast votes for the City of Jacksonville at the Annual Business Meeting, the City must officially appoint a voting delegate and alternate voting delegate (if needed) and submit that information to the NLC by October 30, 2011. Council Member Jerome Willingham was currently registered to attend the NLC Congress of Cities.

Mayor Pro-Tem Lazzara nominated Councilman Jerome Willingham to serve as the City's voting delegate to cast the Cities votes at the NLC Congress of Cities Business Meeting.

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously adopted that nominations be closed and Councilman Willingham be approved by acclamation.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

REPORTS

DOWNTOWN DEVELOPMENT

Councilman Willingham stated he was overjoyed with the progress the City was making with respect to downtown redevelopment and the recreation areas. The improvements to Jack Amyette were a testament to the commitment the City made to improve the quality of life for our residents and a testament to our leadership and staff because a lot of the work had been completed by our employees. When we talked with private developers about getting affordable housing in the area, Staff took the most challenging areas and have made a great improvements.

ONWASA UPDATE

Councilman Bittner stated that ONWASA approved the agreement with NCDOT at their last meeting to allow the City to contract with the same NCDOT contractor for the construction

of a water line from Mike Loop Road up to Highway 17. It would be completed at the same time as the Piney Green construction which would save the City money. With Mr. Carter's assistance, the City entered into a contract with a title examiner to gain the easements necessary for the construction of the sewer line in the Piney Green corridor.

TRANSPORTATION UPDATE

Mayor Pro-Tem Lazzara stated that during the Council workshop Anthony Prinz provided a handout that gave an update of the local transportation projects. Mayor Pro-Tem Lazzara also provided Council with a copy of the NC Eastern Economic Development Review magazine. It was the first issue and very informative. Mayor Phillips stated he was pleased with the highway project updates.

Mayor Pro-Tem Lazzara added that today he attended a Regional Planning meeting for transportation which was something new and very historic because they were looking at transportation as a region versus communities, which helped the whole Eastern Region in terms of economic development and travel.

ARRA ENERGY GRANT REQUEST

Councilman Thomas stated that a few years ago the City was awarded an ARRA Energy Grant to install efficiencies for energy savings. He requested a report or workshop item on how that was progressing.

ANNUAL OYSTER ROAST

Councilman Thomas stated that the New River Foundation was having their Annual Oyster Roast on October 29 downtown. Tickets were \$30. This was their only fundraiser for the year and it was important to sell as many tickets as they could. To purchase tickets contact Betty Seavy at the New River Foundation or Councilman Thomas.

MAYOR'S COMMITTEE ANNUAL BANQUET

Council Member Coleman announced the Mayor's Committee for Person with Disabilities Annual Banquet would be held this Thursday evening, October 20 at the Trinity United Methodist Church starting at 6:30PM. Tickets were still available.

BEIRUT MEMORIAL SERVICE

Mayor Phillips reminded the public that the Beirut Memorial Service would be held on Sunday, October 23 at 2:00 PM at the Beirut Memorial. He encouraged everyone to attend as it was an ideal opportunity to remember those that gave their lives in Lebanon back in 1983.

HALLOWEEN

Mayor Phillips asked when Halloween Trick-or-Treating would be held this year. Mr. Massey stated that the City calendar indicated that Trick-or-Treating was on Monday, October 31 from 5-9 PM. Mr. Woodruff stated that it would be advertised on G-10.

CLEANUP EFFORTS RECOGNITION

Mr. Woodruff recognized Johnny Stiltner, Fred Williams, and Kerry Terrell for leading the effort on cleaning the City. He thanked the public for their cooperation. We were now back to regular horticultural pickup.

STREETSCAPE PLANS FOR NEW BRIDGE STREET

Mr. Woodruff stated that this past week there was a public workshop on streetscape plans for New Bridge Street. The Planning Board would be holding a formal meeting on November 14 where they would be asked to give specific recommendations to the Council relative to streetscape. The public was encouraged to attend and assist in the effort.

CONTAMINATION CLEANUP

Mr. Carter stated that one of the buildings taken down for the Public Safety Center Site was the old Southern Cleaners Building which had contained contamination. The City partnered with the Dry Cleaning Solvent Cleanup Fund and we received notification that the City would be reimbursed \$68,020 from the fund. Contamination cleanup would continue to take time, but the process was ongoing. Council deserved the credit for having the foresight to clean up the site.

BOY SCOUT TROOPS 597 AND 87

Mayor Phillips thanked Boy Scout Troops 597 and 87 for visiting and leading in the Pledge of Allegiance.

CLOSED SESSION

A motion was made by Councilman Thomas, seconded by Council Member Coleman, and unanimously approved to recess the Regular Meeting at 8:04 PM in order to convene a Closed Session for the purpose of discussing personnel matters, pursuant to General Statute 143-318.11, subsection (a-6).

RECONVENE

Mayor Phillips reconvened the Regular Meeting at 8:27 PM and stated the City Attorney received his annual performance evaluation.

A motion was made by Mayor Pro-Tem Lazzara and seconded by Councilman Bittner, to award the City Attorney a 2% pay increase retroactive to July 1, 2011.

Councilman Bittner stated that he was pleased to report that Council thought the City Attorney provided excellent service in all of the facets of work provided. They were very pleased with his performance.

A vote was taken on the motion and was unanimously approved.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 8:30 PM.



City Council Presentation

Presentation Item: A Date: 11/9/2011

Subject: Proclamation – Nonprofit Awareness Month

Department: Community Programs

Prepared by: Glenn Hargett, Communications & Community Affairs Director

Presentation Description

Nonprofits in our community help to feed the hungry, protect the abused, improve our culture with art, inspire economic development, create leadership and character for youth and perform a variety of other services. Additionally, nonprofits in our community advocate for those who cannot speak, fight for health and benefits and are an integral part of the fabric of our community.

It is therefore appropriate that we pause to acknowledge the role nonprofits have as important to the civic infrastructure of our community.

This month has been designated as Nonprofit Awareness Month and the nonprofits of Jacksonville and Onslow County have been invited to be recognized during this time.

A Proclamation has been prepared and there are other activities that will take place this month, including the Nonprofit Executives Roundtable.

Accepting the Proclamation is Dr. Don Herring, Chairman of the Onslow Civic Affairs Committee which with the City, is an organizer of the Nonprofit Executives Roundtable. Several members of the Roundtable are expected to be in attendance this evening.

Action

Present Proclamation to Dr. Don Herring and other representatives of nonprofits.

Attachments:

A Draft Proclamation

City of Jacksonville
North Carolina
Proclamation

Whereas, Onslow County is home to more than 89 charitable nonprofit organizations who perform valuable services to the community; and these organizations spend more than \$31 million annually serving the people of Jacksonville; and

WHEREAS, 2,143 persons are employed in Onslow County by charitable nonprofits; and

WHEREAS, people throughout Jacksonville support and participate in nonprofit organizations by serving as board members, volunteering, donating, and working as staff; and

WHEREAS, nonprofit employees pay income taxes and spend their salaries locally, thus paying local and state sales taxes too; they buy houses, cars, computers, groceries, clothes, home products, and all other items sold in our community; and

WHEREAS, Jacksonville nonprofits build partnerships and collaborate with governments, businesses, faith-based organizations, and other groups to expand resources; and

WHEREAS, Jacksonville nonprofits provide opportunities for developing skills, leadership abilities, and service through civic engagement; and

WHEREAS, everyone who lives in Jacksonville benefits from nonprofits' vital contributions of strengthening our social fabric, public policy, culture, sense of community, and future;

NOW THEREFORE, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proudly proclaim November 2011 as:

“NONPROFIT AWARENESS MONTH”

in the City of Jacksonville, and encourage all of our citizens to join with me in honoring the important role nonprofits in Jacksonville provide to help feed the hungry, protect the abused, improve our culture with art, inspire economic development, create leadership and character for youth and perform a variety of other services.

Attest: _____
City Clerk

Mayor

Attachment

A



City Council Presentation

Presentation Item: B Date: 11/9/2011

Subject: Presentation of Certificates and Awards to JPD Officers and City of Jacksonville Staff

Department: Police

Prepared by: Mike Yaniero – Chief of Police

Presentation Description

The Jacksonville Police Department requests the presentation of the following awards:

School Resource Officer Keith C. Wagner has recently completed the NC Justice Academy Certificate Program for School Resource Officers. The Police Department requests the presentation of the certificate from the NCJA.

Police Commendation Award to Lieutenant Devon Bryan and Sergeant Chuck James for their outstanding performance in the successful activation of the renovated Mobile Command Center.

Civilian Community Service Awards to Senior ITS Specialist Adam Oates, City Facilities Manager Rick Sirois, Facilities Maintenance Specialists Richard Hoffman, Brian Neeley, Glenn Futrell and Allen Baker for their outstanding service in the successful renovations of the Mobile Command Center.

Police Commendation Award to the detectives of the Special Operations Division for their outstanding performance in the undercover investigation leading to the nation's second largest seizure of "Spice."

Action

Present NCJA Certificate to Corporal Wagner.

Present Police Commendation Awards to Lieutenant Devon Bryan and Sergeant Chuck James.

Present Civilian Community Service Awards to Adam Oates, Rick Sirois, Richard Hoffman, Brian Neeley, Glenn Futrell and Allen Baker.

Present Police Commendations for Detective Kellum, Corporal Shelly Partain and the detectives of the Special Operations Division.



Presentation Information

Presentation Item: B

Presentation of NC Justice Academy Certificate to Corporal Keith Wagner

Corporal Keith C. Wagner of the Jacksonville Police Department recently completed the School Resource Officer Certificate Program at the North Carolina Justice Academy.

The School Resource Officer Certificate Program is designed specifically for School Resource Officers who have a desire to increase their training experiences and credentials. The courses conveyed in the program recognize that an SRO is often required to perform traditional patrol responsibilities in addition to their school-related duties.

Officers who have completed the 400 hours of classroom time required for completion of the program have mastered important aspects of this specialized training for SROs and achieved a high level of professionalism for themselves and for their department.

The North Carolina Justice Academy develops and conducts training courses for local and state law enforcement professionals and provides training programs and technical assistance for law enforcement professionals.

Corporal Wagner currently serves as the department's Gang Resistance Education and Training (GREAT) Officer. The GREAT program provides a school-based, police officer instructed program that includes classroom instruction and various learning activities.

Police Commendation Award **Lieutenant Devon Bryan and Sergeant Chuck James**

Civilian Community Service Awards

The Jacksonville Police Department Mobile Command Center is available for handling crisis management. The vehicle can be used at all events involving public safety services, either police or fire, and is designed to be used in a variety of settings such as a base of operations for a critical incident or as a means of crowd control for a local parade. It can also be used in high-crime areas to coordinate operations or even as a mobile substation. All of these applications can help bring a positive and strong police presence to our community.

A major renovation of the agency's Mobile Command Center vehicle was completed this spring, just prior to two major community events, Run for the Warriors (May 14th) and National Night Out (August 2nd). Two JPD officers (Lieutenant Devon Bryan and Sergeant Chuck James) and six City of Jacksonville Staff Members (Adam Oates, Rick Sirois, Richard Hoffman, Brian Neeley, Glenn Futrell, and Allen Baker) are worthy of recognition for their outstanding performance in the successful activation of the renovated Mobile Command Center

Lieutenant Bryan's perseverance, care, and attention to detail ensured the successful use of JPD's Mobile Command Unit at both events. Sergeant James spent countless hours in preparation to ensure that the refurbishments to the Mobile Command Unit were completely operational and ready for use at the May 14th event, which is a half marathon, 10K, 5K and 1K fun run event dedicated to the men and women wounded in the global war on terror and their families. Because of our community's ties to the military, the significance of this event to the Jacksonville community cannot be underestimated.

In addition to working with JPD staff, vendors and technicians to purchase the equipment and services for the renovation, Mr. Oates, Mr. Sirois, Mr. Hoffman, Mr. Neely, Mr. Futrell and Mr. Baker worked tirelessly in coordinating the many details associated with the installations for the vehicle.

Both the Run for the Warriors Event and National Night Out are high visibility community events, with high attendance and participation. Not satisfied with merely preparing the unit for the events and turning it over to others, Lieutenant Bryan attended both events to provide leadership to the team of officers and staff operating the Mobile Command Unit.

The outstanding efforts of these officers and staff members ensured that the initial use of the renovated Mobile Command Center was a success.

**Police Commendation – Detective Kellum, Corporal Partain
and the Detectives of the Special Operations Division**

On September 20, 2011, Detective Richard Kellum entered a local convenience store to purchase a drink. As Detective Kellum approached the check out counter, he recognized that the store was selling "Spice", an illegal and dangerous synthetic narcotic. Detective Kellum completed his purchase, exited the business and immediately contacted the supervisor of the Special Operations Division.

The detectives of the Special Operations Division swiftly organized an undercover operation. This operation resulted in Detective Keller purchasing a quantity of Spice from the clerk at the convenience store identified by Detective Kellum. A short time later, detectives executed a search warrant for the business. The Special Operations

Division detectives seized a large quantity of Spice, drug paraphernalia and currency. As a result of the search warrant, detectives developed probable cause to execute additional search warrants at another business and two local residences.

As a result of this successful undercover investigation, two suspects were charged with numerous felony narcotics violations. Detectives seized approximately seventy-nine pounds of Spice with a retail value of over \$1 million. In addition, a large amount of cash (later identified as proceeds from the illegal narcotics sales) and a vehicle were seized.

This arrest and seizure had a significant impact to the synthetic drug trade in the City of Jacksonville. This operation represents the dedication and hard work that the detectives of the Special Operations Unit exhibit on a daily basis in their work to protect the citizens of Jacksonville. The Spice seizure in this case is the largest in the State of North Carolina and the second largest seizure of Spice in the nation, second only to New York City.



City Council Presentation

Presentation Item: C Date: 11/9/2011

Subject: Certificate of Achievement for Excellence in Financial Reporting -
Finance Department

Department: City Manager's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

The City Manager recently received notification that the City of Jacksonville and its Finance Department has been awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for its Comprehensive Annual Financial Report. (CAFR).

The Certificate of Achievement for Excellence in Financial Reporting is the highest form of recognition given in the area of governmental accounting and its attainment represents a significant accomplishment by a local government and Finance Department.

This is the 20th consecutive year that the City of Jacksonville has received this recognition.

The City would like to recognize the hard work and dedication of our Finance Department for this outstanding achievement.

Action

Present Award to Ms. Gayle Maides, Interim Finance Director

Attachments:



City Council Presentation

Presentation Item: D Date: 11/9/2011

Subject: Report to Council – Trails & Greenways Commission

Department: Recreation and Parks

Prepared by: Mike Wetzel, Recreation Program Supervisor

Presentation Description

Mrs. Pauline Joos, Member of the Trails & Greenways Commission will be in attendance to provide a brief report on the annual activities, accomplishments and goals of the Commission.

Councilwoman Fannie Coleman is the Council Liaison to the Commission.

Action

Recognize Commission Member Pauline Joos to present the report.

Attachments:

None



Presentation Information

Presentation Item: D

Trails & Greenways Commission Report to Council

MISSION

The Trails & Greenways Commission serves as an advisory body to the Jacksonville City Council in all matters concerning trails and greenways development.

ACTIONS

Adopt-A-Trail Program: This is a highly successful program in which schools, groups, businesses and individuals adopt portions of the City's trail system and conduct quarterly clean-ups.

Highway 24/Lejeune Trail: The Commission has continued work with the City's Engineering Department and Contractor in the planning process to begin Phase I construction of the trail. This trail will run along Highway 24 from the Beirut Memorial to the current Rails to Trails Pedestrian Bridge.

Involvement in Future Plans & Projects: The Commission has given input to City's MPO on several projects including the Bypass Extension Project, Highway 24 Corridor, the Regional Bike Map, the East Coast Greenway Trail, and pedestrian and bicycle projects to be included in the State Transportation Improvement Plan.

ACCOMPLISHMENTS

Annual 5k/10K Road Race: Held in April 2011, the event drew a total of 117 runners. The event was moved from the Jacksonville Commons Recreation Complex to Wooten Park and now utilizes the Rails to Trails trail as the course.

National Night Out: For the third year in a row, the Commission participated at the event and distributed brochures and information about the Commission and the City's trail system.

Clean & Green Campaign: The Commission submitted a list of projects to help with the City's Clean & Green Campaign.

GOALS

The Commission set their goals and objectives for FY2011-2012. They include promoting bicycle and pedestrian opportunities; promoting events; community advocacy; history; establishing new trails; open lines of communications with other agencies; become a stakeholder in all future transportation plans and commercial and subdivision developments; and become more knowledgeable of upcoming planning and transportation plans.



Request for City Council Action

Agenda Item:	1
Date:	11/9/2011

Subject: Public Hearing (*Legislative*) – Zoning Text Amendment – Section 10
Definitions and Section 103 Landscaping

Department: Development Services

Presented by: Ryan King, Planning Administrator

Presentation: Yes

Issue Statement

Since City Council approved the zoning text amendment for stormwater ponds (amenity vs. utility) on February 9, 2011, staff has been reworking the amendments that were not approved as it related to landscaping requirements. Having met with the City's Horticulturalist, Management and UDO Steering Committee, staff has revised the proposal to address the concerns that City Council expressed in February. The new proposal can be found in Attachment A and now includes additional standards for multi-family developments.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consideration of the updated Zoning Text Amendment

Recommendation

Staff and the Planning Board recommend Council approve the Zoning Text Amendment found in Attachment A.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Zoning Text Amendment Ordinance
- B Planning Board Minutes – January 24, 2011
- C City Council Minutes – February 9, 2011
- D Planning Board Minutes – September 12, 2011



Staff Report

Public Hearing (*Legislative*) – Zoning Text Amendment Section 10 Definitions and Section 103 Landscaping

Introduction

On February 9, 2011, City Council approved a zoning text amendment that identified two requirements for stormwater ponds when configured as either a site amenity or as a utility. In conjunction with those changes, staff recommended additional changes to Section 103 Landscaping that would simplify how the landscaping requirements were calculated. After the Public Hearing was held, City Council opted only to amend the ordinance relative to the pond requirements until further discussions could occur as it related to the proposed landscaping requirements.

On October 18, 2011, City Council held a workshop to go over this zoning text amendment which included revisions based on Council's comments expressed at the February 9, 2011 Council meeting. In addition, staff sought input from the City's Horticulturalist, Management and the UDO Steering Committee. This new proposal also includes new provisions for Multi-family developments.

Procedural History

- On November 30, 2010 City Council was presented with some potential changes to stormwater pond requirements. At the conclusion of their workshop, City Council requested that changes be codified and presented for consideration.
- January 24, 2011 the Planning Board recommended approval of the previous proposal.
- February 9, 2011, City Council conducted a public hearing and approved the revisions to the Stormwater Requirements but did not approve any changes to the landscaping requirements.
- June 30, 2011 City staff and the UDO Steering Committee finalized the proposal which included the following changes compared to the previous proposal:
 - 1) Street lawn remains at 8 feet (previously proposed at 10 feet);
 - 2) Proposed street lawn trees were reduced from 4 to 3, per 100 linear feet;
 - 3) Proposed perimeter lawn reduced from 10 feet to 4 feet;
 - 4) Proposed perimeter lawn trees were reduced from 2 large to 4 understory, per 100 linear feet;
 - 5) Proposed interior island shrub requirements were reduced from 10 (6 small and 4 large) to 5 (developer can choose large versus small);
 - 6) Foundation Landscaping was removed; and
 - 7) Added multi-family landscaping standards.

- September 12, 2011 the Planning Board will provide a recommendation on the revisions to Section 103 Landscaping and others found in Attachment A.
- October 18, 2011, City Council conducted a workshop to changes to the landscaping requirements.
- November 9, 2011, City Council will conduct a public hearing prior to considering the adoption of any/all of the proposed changes.

Stakeholders

- City Staff – Contend that the current regulations should be amended to allow: 1) An easier method for determining landscaping requirements; 2) A greener streetscape; 3) A method to evenly distribute required landscaping on development sites; and 4) A new buffering streetscape requirements along roadways for multi-family developments.
- Design professionals – Surveyors, Land Planners, Architects and Landscape Architects use this section of the Zoning Ordinance when drafting development plans. Proposed ordinance should create an easier method in determining the landscaping requirements.
- Developers – Proposal will create an increased amount of streetscape and perimeter landscaping. This will generate additional costs (approximately doubled) compared to current requirements.

Public Hearing Notification Assessment

"Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing." Notifications in accordance with North Carolina General Statutes were followed.

Options:

1) Approve the zoning text amendment found in Attachment A. (Staff and Planning Board Recommended)

- Pros: Staff has simplified the overall landscaping calculation requirements by eliminating the complicated/confusing mathematics currently associated with the landscaping requirements.
- Cons: Will likely increase the amount of landscaping required for most sites.

2) Defer action on the zoning text amendment.

- Pros: Would allow staff time to acquire additional background information as requested by the City Council.
- Cons: None

3) Deny the zoning text amendment

- Pros: None
- Cons: This is the proposal that was sent to Clarion Associates after the UDO Steering Committee reviewed and commented on Clarion's proposal.

ORDINANCE (# 2011-)

AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE ZONING ORDINANCE

BE IT ORDAINED by the Jacksonville City Council that Sections 10 Definitions and 103 Landscaping of the City of Jacksonville Zoning Ordinance be amended as follows: ~~Strikethrough~~ indicates the proposed deletion of text while underlining indicates a proposed addition to the text. In addition, Appendix C-1 through C-20 are hereby removed from the ordinance.

Section 10. Definitions

~~**Impervious surface ratio (ISR).** A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on the lot by the development impact area as defined (excluding wetlands and areas within flood plains).~~

~~**Impervious Surface Intensity (ISI).** A measure of the intensity of a proposed development based on its Impervious Surface Ratio.~~

~~**Parking space, off-street.** An area consisting of 200 square feet—10 feet in width and 20 feet in length for the parking of 1 vehicle. A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.~~

~~**Tree, large canopy.** Is one that has or will have when fully mature, a trunk of at least twelve (12) inches in diameter. Each large tree at the time of planting shall be a minimum of two (2) inches in caliper and eight (8) feet in height. When mature, a canopy tree should be at least forty (40) feet high and have a minimum crown width of twenty five (25) feet. A tree that has an expected height at maturity greater than thirty (30) feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.~~

~~**Tree, understory.** Is one that is a minimum of four (4) feet high and one (1) inch in caliper when planted and between fifteen (15) and forty (40) feet high when mature. A tree that has an expected height at maturity of no greater than thirty (30) feet.~~

Section 103. Landscaping Requirements

Part A. Purpose and Intent.

The purpose of this section is to regulate and provide guidelines for landscaping of certain types of development in the City of Jacksonville. The Jacksonville City Council finds that the lack of adequate landscaping results in:

1. Increased storm water run-off from parking lots with little or no plant cover;
2. Deteriorating community appearance and property values;
3. Discouraging pedestrian traffic due to emphasis on vehicle accommodation areas with unsafe pedestrian access to the buildings on the lot;
4. Increases air pollution, particularly carbon dioxide;
5. A lack of street definition which in turn exposes citizens to long uninterrupted views of signs, utilities, lights, and parking;

The Jacksonville City Council also finds that:

1. Plantings are proven producers of oxygen, a necessary element for human survival;
2. Plantings transpire considerable amounts of water each day and thereby purify the air;
3. Plantings have an important role in filtering ~~neutralizing waste~~ water passing through the ground from the surface to ground water tables and lower aquifers;
4. Plantings, through their root systems, stabilize the ground water tables, and play an important and effective part in soil conservation, erosion control, and flood control;
5. Plantings are an invaluable physical, aesthetic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of urban developments on the land, particularly parking areas; and
6. For the reasons stated above, landscaping has an important impact on the desirability of land and therefore has a significant impact on property values.

Part B. ~~Vehicle Accommodation Area (VAA)~~ Landscaping Required.

Based upon the findings set forth in Part A above Council declares that it is not only desirable but essential to the health, safety, and welfare of all persons living and working within the city's planning jurisdiction to provide for adequate landscaping as specified by this section for certain types of development projects.

Part C. Applicability.

1. **Exemptions.** Landscaping requirements shall not apply to:
 - a. Single-family and multi-family residences (not more than four dwelling units per lot) on their own lots;
 - b. Lots in the Downtown ~~Business (DB)~~ Zoneing Districts that do not provide off-street parking; and
 - c. ~~Automobile sales – lot areas are exempt from the requirements for trees only.~~ the vehicle display areas are exempt from having to install the required trees within these identified areas. Instead the required trees shall be planted elsewhere on site and are encouraged to be planted as street trees in the street lawn and/or the perimeter lawn.
 - d. Temporary uses (Fairgrounds or farmers markets or a similar use which cater to various temporary uses throughout the calendar year are not exempt)
 - e. ~~Landscaping requirements of this section shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by The Administrator~~ Development Services Director if the Administrator finds any of the following circumstances exist on the proposed building site, or surrounding properties (Modifications should be made in writing and shall be applied equally to all similarly situation properties):
 - i. Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section.

- ii. Innovative landscaping or architectural design is employed on the building site which would achieve an equivalent shading, aesthetic, and buffering effects.
 - iii. The required landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.
 - iv. ~~No landscaping shall be required in areas~~ Where the Technical Review Committee Development Service Director finds that it would interfere with traffic safety.
2. **Application:** Landscaping requirements shall apply to any new principal building(s) or open uses of land constructed, reconstructed, or established after the effective date of this section. The amount of landscaping required for expansions of existing buildings/remodeling are outlined in Section 96. Nonconformities.

Part D. Impervious Surface Intensity (ISI).

~~Vehicular accommodation areas and impervious surface areas shall be categorized according to their impervious surface ratios as specified in Table D.1:~~

Table D.1
Impervious Surface Intensity Classification

Impervious Surface — Ratio (ISR)	Impervious Surface — Intensity (ISI)
0.86 — 1.0	High
0.70 — 0.85	Moderately High
0.41 — 0.69	Moderate
0.40 and below	Low

Part E D. Vehicular Accommodation Area Landscaping Requirements.

~~Landscaping areas shall be provided in vehicular accommodation areas and impervious surfaces so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. All vehicular accommodation areas sites shall be landscaped such that the following requirements are met:~~

1. **Street yard lawn required.** ~~When any parking spaces are to be placed within fifty (50) feet of a~~ All parking areas except for those associated with Townhouses, Condominiums and Apartments shall be separated from a public or private right-of-way, by a street lawn with a minimum width of eight (8) feet. This lawn is required shall be parallel to the street right-of-way on the applicant's property. This section applies to all the public and private streets that the property fronts upon. This area shall not be used for parking, sidewalks, or trails, but shall be maintained as a planting strip for grass, trees, and/or shrubs. The lawn shall contain at least three (3) large trees, twelve (12) large shrubs and eight (8) small shrubs for each one hundred (100) linear feet of street frontage. Clustering is permitted.
2. **Vehicular accommodation area landscaping required.** ~~Vehicular accommodation areas shall be designed so that a minimum of twelve (12) percent of the impervious surface area (excluding building areas only) is dedicated to vegetative landscaping. However, vegetative fences and berms that screen the~~

vehicle accommodation areas from adjacent properties and all adjacent street rights-of-way may be applied to meet the requirements of this section. A minimum of fifty (50) percent of the required vegetative landscaping area shall be located in the interior of the vehicle accommodation area as landscaping islands at the end of parking bays, inside medians, or between parking spaces.

2. **Perimeter lawn required.** All sites except Townhouses, Condominiums and Apartments shall be separated from adjacent properties by a perimeter lawn with a minimum width of four (4) feet. The lawn shall contain at least four (4) understory trees, twelve (12) large shrubs and eight (8) small shrubs for every one hundred (100) linear feet of the developments lot lines. Clustering is permitted. This perimeter lawn is not required when the side or rear boundary would serve as either a shared driveway or as a shared parking bay or will be in the future as a result of a phased development.
3. ~~**Landscaping standards in vehicular accommodation areas.**~~ Vehicle accommodation areas shall be shaded by large deciduous trees (either retained or planted by the developer) that have or will have when fully mature, a trunk of at least twelve (12) inches in diameter. When large trees are planted by the developer to satisfy the requirements of this subsection, the developer shall follow guidelines set forth in Appendix C. In providing landscaping to satisfy the requirements of this section, Table E.3.1 shall provide the amount of landscaping required. When determination of the number of trees and shrubs required by this table results in a requirement of fractional tree or shrub, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one tree/shrub.
3. **Interior Landscaped Islands Required.**
 - One (1) interior planter island shall be provided for every ten (10) parking spaces on site.
 - No parking space shall be separated from the trunk of a large canopy tree by more than fifty (50) feet.
 - The minimum size of interior islands shall be the same as a typical parking space stall.
 - Five (5) shrubs are required per interior island.
4. **Townhouses, Condominiums and Apartments –** In addition to the requirements set forth in this section, the following applies to all multi-family developments:
 - A. Foundation Planting: A ten (10) foot planting area shall be provided between the building foundation and parking areas. Four feet of sidewalk is permitted within this area.
 - B. Side and Rear Buffers: Shall meet the standards established in Section 115 Screening and Bufferyard Standards.
 - C. Street yard requirements adjacent to Major and Minor Thoroughfares or Collector Streets:
 - i. Option 1: Berm with Plantings
 - Berm Height: Minimum height of three (3) feet;
 - Berm Slope: Minimum of three to one (3/1);
 - Berm Crown: Minimum width equal to the height;
 - Percent of Frontage: Berm shall comprise at least eighty percent

- (80%) of the street frontage;
 - Large Trees: Six (6) trees per one hundred (100) linear feet
 - Shrubs: Thirty (30) shrubs per one hundred (100) linear feet. Variety required - twenty five percent (25%) maximum of any one species;
 - Ground Cover: In order to prevent bare, paved or completely impervious ground cover on berms, the berms must be covered in natural materials (i.e. mulch, pine straw, grass, etc.) except for stone. Stone is permitted only as an accent.
- ii. Option 2: Plantings Only
- Street Lawn Width: Twenty (20) feet;
 - Percent of Frontage: Lawn shall comprise at least eighty percent (80%) of the street frontage;
 - Large Trees: Nine (9) trees per one hundred (100) linear feet that are at least three (3) inches in caliper and between ten – twelve (10-12) feet in height;
 - Shrubs: Fifty (50) shrubs per one hundred (100) linear feet. Variety required - twenty five percent (25%) maximum of any one species;
 - Ground Cover: In order to prevent bare, paved or completely impervious ground cover on berms, the berms must be covered in natural materials (i.e. mulch, pine straw, grass, etc.) except for stone. Stone is permitted only as an accent.
- iii. Option 3: Specific Landscape Design
- Plan shall be prepared by a Registered Landscape Architect, Architect, Arborist, Horticulturalist, or NC Registered Landscape Contractor;
 - Shall meet the overall intent of this ordinance;
 - Shall be approved by Development Services Director.
- D. Street yard requirements adjacent to all other Streets/Roads not listed in C above:
- i. Option 1: Berm with Plantings
- Berm Height: Minimum height of two (2) feet;
 - Berm Slope: Minimum of three to one (3/1);
 - Berm Crown: Minimum width equal to the height;
 - Percent of Frontage: Berm shall comprise at least eighty percent (80%) of the street frontage;
 - Large Trees: Six (6) trees per one hundred (100) linear feet;
 - Shrubs: Twenty (20) shrubs per one hundred (100) linear feet. Variety required - twenty five percent (25%) maximum of any one species;
 - Ground Cover: In order to prevent bare, paved or completely impervious ground cover on berms, the berms must be covered in natural materials (i.e. mulch, pine straw, grass, etc.) except for stone. Stone is permitted only as an accent.
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- Shrubs: Twenty (20) shrubs per one hundred (100) linear feet. Variety required - twenty five percent (25%) maximum of any one species;
- Ground Cover: In order to prevent bare, paved or completely impervious ground cover on berms, the berms must be covered in natural materials (i.e. mulch, pine straw, grass, etc.) except for stone. Stone is permitted only as an accent.

iii. Option 3: Specific Landscape Design

- Plan shall be prepared by a Registered Landscape Architect, Architect, Arborist, Horticulturalist, or NC Registered Landscape Contractor;
- Shall meet the overall intent of this ordinance;
- Shall be approved by Development Services Director.

5. **Storage areas, truck terminals, warehousing operations or other similar uses.** The planting requirements for specialized vehicular use areas which are closed to the public such as storage areas, truck terminals, motor freight terminals and other transportation and warehousing operations are exempt from interior landscape island requirements. However, trees and shrubs shall be planted anywhere on the property at a rate of one (1) large tree, five (5) shrubs for every 3,780 square feet of vehicular use area. These requirements do not replace perimeter or screening/bufferyard requirements; they are in addition to such requirements.

Table E.3.1
Required Trees and Shrubs.

Impervious Surface Intensity (ISI)	Large-Deciduous-Trees Required-per-every 1000-sq.ft. VAA	Large-Shrubs Required-per-every 1000-sq.ft. VAA	Small-Shrubs Required-per-every 1000-sq.ft. VAA
High	0.33	1.2	1.8
Moderately-high	0.25	0.8	1.2
Moderate	0.2	0.4	0.6
Low	0.16	0.2	0.3

- a. ~~— All plantings shall be evenly distributed throughout the vehicular accommodation area such that at least forty (40) percent of the required trees and shrubs shall be provided in the interior of the vehicular accommodation areas as landscaping islands at the end of parking bays, inside medians, or between parking spaces.~~
- b. ~~— Those trees and shrubs that are planted in required buffer yards that are not immediately adjacent to the vehicle accommodation areas may be applied to meet the requirements of this section. However, the vegetated buffer areas shall not account for more than fifty (50) percent of the required trees and shrubs.~~

4. **Limited exceptions:**

- a. ~~— In vehicular accommodation areas that provide more parking spaces than required by Section 102. Off-Street Parking Requirements, the required landscaping shall be increased by ten (10) percent.~~

- b. ~~The required landscaping shall be reduced by five (5) percent in vehicular accommodation areas that:

 - i. ~~provide at least thirty (30) percent of the required parking spaces along the side or the rear of the principal structure on the lot; or~~
 - ii. ~~are designed in such a manner that the vehicular accommodation areas are distinctly divided into smaller units (each less than 25,000 sq.ft) by structures, substantial landscaping islands or berms; or~~~~
- iii. ~~incorporate the required storm water detention area into a unified landscaping design together with trees, shrubs, berms, lawns, walkways, and other water features; or~~
- iv. ~~provide shared parking as per Section 102. Off Street Parking Requirements; or~~
- v. ~~incorporate alternative paving such as paving grids which allow grass to grow of a minimum of twenty (20) percent of the total vehicular accommodation area (peak hour parking spaces).~~
- c. ~~The required landscaping shall be reduced by ten (10) percent if:

 - i. ~~at least one (1) large deciduous tree is proposed or retained for every thirty (30) feet of street frontage along the right of way of all public and private streets fronting the lot. The tree proposed or retained shall have a trunk of at least 12 inches in diameter when fully mature. Trees provided or retained to satisfy this section of the ordinance may either be placed evenly or in clusters so as not to hinder views of signs and buildings.~~
 - ii. ~~small evergreen shrubs are planted as a screen along the all the vehicle accommodation areas that are visible from any street right of way or adjacent property.~~
 - iii. ~~adequate provision is made for pedestrian and bicycle traffic by installing walkways, bikeways, bicycle parking, and similar facilities within vehicle accommodation areas.~~~~

Note: ~~The developer shall be eligible for cumulative reduction in landscaping requirements if more than one of the exceptions is applied to the proposed development.~~

6. **General standards for landscaping.**

- a. Barriers, such as curbs or wheel stops, or other alternative, durable and contextually appropriate material as approved by the Development Services Director shall be provided between vehicular accommodation areas and landscaped areas so as to protect all plantings. This standard shall not prohibit use of planting areas as on-site stormwater management devices.
- b. Each shrub at the time of planting shall be 3 gallon size or larger.
- c. ~~Each interior planting island shall contain a minimum of two hundred (200) square feet in area and shall be a minimum of eight (8) feet in width.~~
- c. Each large canopy tree at the time of planting shall be a minimum of two (2) inches in caliber and eight (8) - ten (10) feet in height. When mature, a large canopy tree should be at least forty (40) feet high and have a minimum

crown width of thirty (30) feet. Every large canopy tree that is required by Table E.3.1 ~~this section~~ may be substituted with two (2) understory trees. However, no more than fifty (50) percent of the required large canopy trees may be substituted.

d. ~~Each understory tree at the time of planting shall be a minimum of one (1) inch in caliber and eight (8) feet in height. When mature, an understory tree should be between fifteen (15) and forty (40) feet height. Every two (2) understory trees that is required by this section may be substituted with one (1) large canopy tree. However, no more than fifty (50) percent of the required understory trees may be substituted.~~

d e. When large and small shrubs are planted by the developer to satisfy the requirements of this subsection, the developer shall follow guidelines set forth in Appendix C. ~~A minimum of forty (40) percent of all the required shrubs shall be evergreen shrubs.~~

7. **Location.** Required landscaping, including the eight (8) foot lawn space shall be located outside existing and proposed street rights-of-way as identified by the City of Jacksonville Thoroughfare Plan as amended. The proposed landscaping plan shall comply with any planning documents adopted ~~and amended~~ by City Council. Required trees and shrubs may be located in utility easements by approval of the Technical Review Committee. No trees or shrubs greater than twelve inches (12") shall be planted in sight triangle(s) of driveways and streets without approval from the reviewing authority. On State maintained roads, both NCDOT and City standards shall apply.

8. **Maintenance.** ~~The property owner shall be responsible for maintaining all vegetation required by this section in a healthy condition. The Landscaping Superintendent for the City shall inspect property for any dead, unhealthy, or missing vegetation and report it to the Zoning Administrator. The required vegetation shall be replaced upon written notice of noncompliance by the Zoning Administrator. Replacement shall occur at the earliest suitable planting season as determined by the Landscaping Superintendent.~~

Part E. Standards for Retention/Detention Ponds/Stormwater Wetlands

Purpose. These provisions are intended to encourage stormwater retention or detention ponds to be located and configured as an open space amenity or as a constructed stormwater wetland within a development site, as opposed to configuration as a utility facility. The standards do not prohibit configuration of the pond as a utility feature (instead of an amenity or wetlands), but when configured as a utility, a stormwater retention or detention pond should be strategically located and screened from off-site views. The landscaping required by this Part shall not be counted towards the total landscaping required by Part E of this section.

2. **Configured as a Site Amenity.** Stormwater retention or detention ponds configured as a site amenity (instead of a utility feature) shall comply with the following requirements:

a. In general stormwater retention or detention ponds are considered as a site amenity when they are not surrounded by a fence, maintain gentle slopes of 3:1 or less above the 10:1 vegetated shelf and also contain at least three (3) of the following design features:

- i. Integrated with the design and location of the other site features (instead of being located in a peripheral location);
 - ii. Include comparable shrubs and other vegetative material as are used in other areas of the site;
 - iii. Provide pedestrian access to and around the facility;
 - iv. The visibility of rip-rap or stone weirs have been minimized to the greatest extent practicable;
 - v. Incorporate some form of fountain or other visible water circulation device, in accordance with state guidelines;
 - vi. Incorporate some form of lighting in and around the facility;
 - vii. Incorporate seating or other use areas;
 - viii. Have a natural appearance (round, oval, kidney in shape with irregular edge); and/or
 - ix. Any innovative design deemed appropriate by the Development Services Director.
 - b. Stormwater wetlands are also considered as a site amenity when they are not surrounded by a fence, maintain gentle slopes of 3:1 or less above the permanent pool elevation. The design shall be prepared in accordance with the City of Jacksonville's Stormwater Ordinance.
 - c. Trash racks and other debris control structures should be sized to prevent entry by children.
 - d. Landscaping
 - i. Shrubs Required: Shrubs shall be provided around the perimeter of the pond at a rate of 20 shrubs per 100 linear feet. These shrubs shall be planted above the sloped embankment surrounding the pond. The particular variety of shrub(s) to be used to satisfy this requirement should come from Table FE.1 or should otherwise be approved by the City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by the City.
 - ii. Understory Trees Required: Trees shall be provided around the perimeter of the pond at a rate of one (1) per twenty five (25) linear feet. These trees shall be planted above the sloped embankment surrounding the pond. The particular variety of understory tree(s) to be used to satisfy this requirement should come from Table FE.2 or should otherwise be approved by The City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by The City.
3. **Configured as a Utility.** Stormwater retention or detention ponds configured as a utility feature (instead of a site amenity) shall comply with the following requirements:
- a. Location of stormwater retention or detention ponds shall be behind the front wall of the principal building and at least 100 feet away from all public or private street rights-of-ways.
 - b. Fencing

- i. When configured as a utility, the pond shall be surrounded by a green or black vinyl-coated steel or aluminum chain-link fence or other alternative that is a durable and contextually appropriate material as approved by the Development Services Director with a minimum height of four feet. All fences should provide securable entrances to allow access for maintenance personnel and equipment, and to provide for the safety of citizens.
 - ii. Fences around stormwater ponds shall not be required when the site containing the pond is entirely surrounded by a fence of six feet in height or higher.
- c. Landscaping
- i. Shrubs Required. Except for fence entrances, shrubs shall be provided around the outside perimeter of the required fence five (5) foot on center. Guard rails shall also be screened by the shrubs. The particular variety of shrub(s) to be used to satisfy this requirement should come from Table E.1 or should otherwise be approved by The City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by the City.
 - ii. Understory Trees Required. Understory trees shall be placed outside the required fencing at a rate of one (1) per twenty five (25) linear feet of fencing provided around the pond. Guard rails shall also be screened by the trees. The particular variety of understory tree(s) to be used to satisfy this requirement should come from Table E.2 or should otherwise be approved by The City. In those instances that there are circumstances outside of the developer's control that make it impractical to fully meet this requirement, it may be modified by The City.

Table FE.1

Shrubs Recommended to be Used Around Retention/Detention Ponds

Common Name	Botanical Name	At Maturity	
		Height	Spread
Glossy Abelia	<i>Abelia grandiflora</i>	3'-6'	3'-6'
Elaeagnus	<i>Elaeagnus puhgehs</i>	5'-8'	8'-10'
Fatsia	<i>Fatsia japonica</i>	5'-7'	4'-6'
Chinese Holly	<i>Ilex cornuta cultivars</i>	Varies	Varies
Mugo Pine	<i>Pinus mugo</i>	5'-7'	8'-10'
Yaupon Holly	<i>Ilex vomitoria</i>	Varies	Varies
Winged Euonymus	<i>Euonymus alata compacta</i>	5'-7'	8'-12'
Pittosporum	<i>Pittosporum tobira</i>	6'-8'	12'-20'
Juniper	<i>Juniperus cultivars</i>	Varies	Varies
Holly Grape	<i>Mahonia aquifolium</i>	3'-6'	6'-8'
Viburnum	<i>Viburnum tinus</i>	4'-6'	2'-3'

Common Name	Botanical Name	At Maturity	
		Height	Spread
Japanese Barberry	<i>Berberis thunbergii</i>	5'-8'	4'-6'
Flowering Quince	<i>Chaenomeles speciosa</i>	4'-8'	4'-6'
Privet	<i>Ligustrum vulgare</i>	6'-8'	Varies
Indian Hawthorn	<i>Raphiolepis indica</i>	5'-7'	4'-6'
Japanese Yew	<i>Taxus species</i>	Varies	Varies
Burfordi Holly	<i>Ilex crenata</i>	Varies	Varies'

Table FE.2

Understory Trees Recommended to be Used Around Retention/Detention Ponds

Common Name	Botanical Name	At Maturity	
		Height	Spread
Amur Maple	<i>Acer ginnala</i>	15'-20'	15'-20'
Japanese Maple	<i>Acer palmatum</i>	15'-25'	15'-25'
Redbud	<i>Cercis canadensis</i>	20'-30'	25'-35'
Flowering Dogwood	<i>Cornus florida</i>	20'-30'	20'-30'
Kousa Dogwood	<i>Cornus kousa</i>	20'-30'	20'-30'
Washington	<i>Crataegus phaenopyrum</i>	25'-30'	20'-25'
Carolina Silverbell	<i>Halesia carolina</i>	30'-40'	20'-35'
American Holly	<i>Ilex opaca</i>	20'-40'	18'-40'
Holly (large types)	<i>Ilex x cultivar</i>	15'-25'	15'-25'
Golden Raintree	<i>Koelreuteria bipinnata</i>	25'-40'	30'-40'
Crape Myrtle	<i>Lagerstroemia indica (x faurei)</i>	18'+	varies
Saucer Magnolia	<i>Magnolia x soulangeana</i>	20'-30'	15'-25'
Sweetbay Magnolia	<i>Magnolia virginiana</i>	20'-30'	25'-35'
Flowering	<i>Malus hybrid</i>	varies w/	varies w/
Chinese Pistache	<i>Pistachia chinensis</i>	30'-35'	25'-35'
Flowering Cherry	<i>Prunus species</i>	varies w/	varies w/
Japanese Snowbell	<i>Styrax japonica</i>	20'-30'	20'-30'
'Emerald' Arborvitae	<i>Thuja occidentalis 'Emerald'</i>	15'-25'	5'-10'
American Hornbeam	<i>Corpinus caroliniana</i>	25'-35'	20'-25'

Part F. Landscaping Plan Required.

All proposed developments and expansions of existing development that result in a high or moderately high impervious surface ratio intensity shall submit a landscaping plan for review containing the following information:

1. General location, type, and quantity of plant materials
2. Existing plant materials and areas to be left in the natural state
- ~~3. Approved erosion control plan, if required~~
4. Locations, size and labels for all proposed plants
5. Plant lists with common name, quantity, and spacing and size of all proposed landscaping material at the time of planting
6. Location and description of other landscape improvements, such as islands, earth berms, walls, fences, buffer yards, sculptures, fountains, street furniture, lights, courtyards, or paved areas
7. Planting and installation details
8. Location of proposed buildings
9. Location of vehicular accommodation areas and internal traffic patterns
10. Location of overhead and underground utilities
11. Location of signage
12. Connection of existing streets
13. Zoning and land use of the subject and adjacent properties
14. The landscaping plan shall be drawn to scale and include a North arrow and necessary legends.
15. The location and description of any barriers to be erected to protect any vegetation from damage both during and after construction.

Part G. ~~Time for Installation of Required Landscaping.~~ Other Landscaping Standards

1. ~~Time limit for Installations of Required Landscaping~~

- a. All required landscaping, (including mulching and seeding) shall be ~~completed~~ installed in accordance with the ~~approved site plan~~ with industry standard prior to the issuance of a certificate of occupancy ~~or a certificate of compliance for the site and shall follow the guidelines set forth in Appendix C unless the Development Services Director grants an extension to this time limit in accordance with b Extensions below.~~

2. ~~b. Extensions and Exceptions.~~

- i. The ~~Administrator~~ Development Service Director may, for good cause shown, grant exceptions and extensions to the above time limit, allowing a developer/owner to delay the installations of required landscaping. in the following Circumstances that may warrant an extension include, but are not limited to, the following:
 1. ~~Extensions may be granted due to~~ Unusual environmental conditions such as drought, ~~ice,~~ hurricanes, ~~or~~ over-saturated soil (deep mud);
 2. It is not yet the ~~or~~ inappropriate planting season for the approved plant species;
 3. Credible evidence that the approved plant species or required plant sizes are not commercially available and cannot be substituted within

a reasonable time despite an applicant's diligent effort to secure the required materials; or

4. Completion of utility work occurring in a proposed landscaped area is incomplete or delayed.

~~provided the developer or property owner provides the City with a cash bond ensuring the installation of the remaining landscaping. In such cases, the Buildings and Inspections Department may issue a temporary certificate of occupancy for a period of 30 to 180 days, depending on the~~

~~Landscaping Superintendent's recommendation for the next earliest planting season. The bond shall be accompanied by documentation of the estimated cost of the remaining landscaping to be completed. The amount of cash bond shall be one and one half (1 1/2) times the cost of the plant material yet to be installed, based on the highest estimate received.~~

- ii. No extension to the time limit shall be granted unless a performance guarantee/warranty is posted in accordance with the following:
 1. Documentation of the estimated cost of the remaining landscaping to be completed.
 2. Cash/warranty that equals one and a quarter (1 1/4) times the cost of the plant material yet to be installed, based on the estimate received by the company performing the landscaping installation.
 3. Signed/executed agreement form.
- iii. Upon receipt of a performance guarantee/warranty and signed/executed agreement form, the city may issue a temporary certificate of occupancy for a maximum period of up to one hundred eighty (180) days.

2. Maintenance of Landscaping Materials

The owner shall be responsible for the maintenance of all landscape areas including the areas within the public/private right-of-way. Such areas shall be maintained in accordance with the approved landscape plan or alternative landscape plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved landscape plan or alternative landscape plan shall be replaced if it dies, is seriously damaged, or removed within ninety (90) days or the next planting season.

a. Damage Due to Natural Occurrence

In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer may be required to replant if the landscaping standards are not being met. The owner shall have one (1) growing season to replace or replant. The Development Services Director shall consider the type and location of the landscape buffer or required vegetation

area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements.

b. Protection during Operations and Routine Maintenance

The owner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.

c. Maintain Shape

All required trees (whether canopy, understory, or otherwise) shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees (including but not limited to Crape Myrtles) that have been severely pruned, sheared, topped, or shaped as shrubs no longer serve the intended buffering or screening function and shall be considered as damaged vegetation in need of replacement and shall be replaced within ninety (90) days or the next planting season.

3. Monitoring of Compliance with Landscaping Standards

a. Inspections Prior to Certificate of Occupancy

The site shall be inspected prior to the issuance of a certificate of occupancy for the development and such certificate shall not be issued if the landscaping required under this section is not living or healthy or is not installed in accordance with the approved landscape plan or alternative landscape plan or the provisions in extensions above.

b. Inspections after First Year

The site shall be inspected during the growing seasons following the installation to ensure compliance with the approved landscape plan or alternative landscape plan and to ensure that the landscaping is properly maintained. Failure to maintain required landscape areas (trees and shrubs) in accordance with the standards of this section shall constitute a violation of this Ordinance.

PART H. Allowable Deviations to Landscaping Requirements.

Deviations may be granted by the Development Services Director during or before the plan review process through negotiation or may be approved (if approval is granted) by City Council in conjunction with a special use permit. The deviations may be approved only if the following findings are made:

1. **Hardship Cases.** There are practical difficulties or unnecessary hardships in carrying out the strict letter of the ordinance because of one or more of the following conditions:

- a. Areas of environmental concern (AEC);
 - b. Irregular shaped lots;
 - c. Lots less than 100 feet in width; or
 - d. When the required landscaping consumes more than 20% of the land area.
2. Approval of the deviation will not endanger public health/safety if located and installed according to the application and plan as submitted and approved.
 3. Approval of the deviation will not substantially injure the value of adjoining or abutting property.
 4. Use of the property otherwise meets all required conditions and specifications.

Section 104. Reserved

BE IT FURTHER ORDAINED by the City Council of the City of Jacksonville that the Zoning Ordinance may be appropriately reorganized and/or renumbered in the order to set the provisions of this text change in a logical and orderly fashion. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effective on January 9th, 2012; however, anyone wanting to use this new code prior to this date may opt to do so.

Adopted by the Jacksonville City Council in regular session on this 9th day of November, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

A



Planning Board Minutes – January 24, 2011

Agenda Item:	1
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Public Hearing (*Legislative*) – Zoning Text Amendment – Section 10 Definitions and Section : Landscaping

At the consensus of City Council, Staff has drafted a zoning text amendment to create standards that would allow stormwater ponds to be configured as a site amenity and additional standards when they are designed as a utility. In Conjunction with these changes, staff is also recommending wholesale changes to Section 103 Landscaping that will simplify how the landscaping requirements are calculated.

Staff has utilized the 2nd module of the proposed Unified Development Ordinance (UDO), institutional knowledge and discussions with local planners in drafting the proposed text.

Staff recommends the Planning Board move to approve the zoning text amendment found in Attachment A.

Mr. Quinn chuck asked what the odds of that plant surviving; with 2" caliper, does it have good odds to mature. Mr. King replied the landscaping company we had a conversation with did not seem concerned. Two inch caliber is what we have been using for over ten years and I have not heard of any concerns.

Ms. Wyrick asked about the Bradford Pear Trees; when the trees grew up a lot of the business owners were not pleased with the trees because it blocked their businesses. People were having trouble seeing their signs. Mr. King replied that is the struggle between beautification and signage/branding. The ordinance is very specific; it states they are not allowed to cut the trees down in order to gain visibility for signage.

Ms. VanderVere asked will this pertain to any of the older businesses, will they have to come up to these standards? Mr. King replied that unless a site plan is required, landscape applicability would not be triggered. It will take something like a decent sized expansion to trigger that type of application.

Chuck Quinn moved to approve the Zoning Text Amendment as presented. Thomasine Moore seconded the motion.

The motion to approve the Zoning Text Amendment as presented was unanimously approved by the Board Members present.

Attachment

B



City Council Minutes – February 9, 2011

Agenda Item: 1

Public Hearing (*Legislative*) – Zoning Text Amendment – Section 10 Definitions and Section : Landscaping

Mr. Ryan King, Planning Administrator, stated that at the direction of City Council, staff had drafted a zoning text amendment to create standards that would allow stormwater ponds to be configured as a site amenity and additional standards when they were designed as a utility. In conjunction with these changes, staff also recommended changes to Section 103 Landscaping that would simplify how the landscaping requirements were calculated. Staff utilized standards from the 2nd module of the proposed Unified Development Ordinance (UDO), institutional knowledge and previous discussions with local land planners in drafting the proposed text.

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Mr. King reviewed the proposed changes. He asked Council to consider removing from the proposed ordinance Part D. 5 – Foundation Landscaping Required, until they had time to look at it further. He also asked for a delay of 30 to 60 days in implementation to allow the land planners, engineers, and surveyors to put through the work they were already doing. Mr. Woodruff suggested that instead of a delay, the option should be given to a set date that a developer can implement this code or work under the old standards up until a date certain.

Councilman Bittner stated that this Council action item was more extensive than what he had expected. He thought staff was only working on site amenities for retention ponds. One of the cons listed in the report stated that Clarion Associates were currently drafting the proposed UDO which would likely increase the amount of landscaping required at most sites. The implication was that the text would be amended again by the UDO. Mr. King stated that was correct unless the Council directed this Code to be put into the UDO.

Councilman Bittner thought some of the landscaping requirements were worthwhile considerations, but he felt it needed further discussion and did not recommend implementing except for the separate action on the retention ponds as amenities or utilities.

Councilman Thomas agreed. He stated that whenever Council was presented with a zoning text amendment in the past, they were given the old amendment with cross-outs and bold for changes. He felt this one was challenging to compare the old with the new.

Mr. Woodruff recommended that if Council felt comfortable with breaking up the text amendment into parts, those portions dealing with the stormwater ponds could be confirmed or everything could be taken back for a workshop.

Councilman Bittner felt that Part E – Standards for Retention/Detention Ponds/Stormwater Wetlands should be adopted and the rest deferred for future review.

Mayor Phillips recessed the regular meeting at 7:57 PM in order to convene the Public Hearing.

John Pierce, 405 Johnson Blvd., stated he was just made aware of these changes. He stated there was a need for change and simplification in the Code, but for small lots the new requirements would be devastating. The cost for landscaping strips would put small businesses out of business.

John Parker, 306 New Bridge Street, asked that if any part of the zoning text amendment was adopted tonight, a grace time for the projects they were currently working on should be provided. They would probably need at least 60 days.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 8:01 PM and reconvened the regular meeting.

Councilman Bittner asked Mr. Carter to clarify what Council was voting on if they agreed to adopt in part. Mr. Carter stated he was comfortable with partial adoption covering the stormwater ponds and allowing a 60 day period of time for the new and old codes to run together, with the new code becoming the code on a date certain.

A motion was made by Councilman Bittner and seconded by Councilman Thomas to adopt Part E - Standards for Retention/Detention Ponds/Stormwater Wetlands of the Zoning Text Amendment and any related sections providing for a 60 day transition period between existing ordinance standards and the new standards. The new standards would become the only code on May 1, 2011.

Following a brief review of additional sections of the proposed text amendment, a vote was taken on the motion and was unanimously approved.

Ordinance 2011-10, Bk.10, Pg. 299

Attachment

C



Planning Board Minutes – September 12, 2011

Agenda Item:	1
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Public Hearing (*Legislative*) – Zoning Text Amendment – Section 10 Definitions and Section : Landscaping

Since City Council approved the zoning text amendment for stormwater ponds (amenity vs. utility) on February 9, 2011, staff has been reworking the amendments that were not approved as it related to the overall landscaping requirements including new multi-family standards with options. Since that time, staff has met with the City's Horticulturalist, Management and the UDO Steering Committee to work through the items that Council expressed concerns over. As a result, the proposal was amended as found in Attachment A. Mr. King went through the highlighted amendments.

City staff is recommending approval of the zoning text amendment as found in the staff report.

Councilman Lazzara gave input on the increase of green space and landscaping.

There was some discussion among those present regarding storm water ponds and types of trees and shrubbery used in landscaping.

Mr. Keyes asked for corrections in the proposed zoning text amendment. Under Part G. 1.a. to take out the second "with" on the second line of the paragraph. Also in G. 1.b., change "may" to "with" in the first line of the paragraph.

Danny Williams moved to approve the zoning text amendment with the administrative corrections. Homer Spring seconded the motion.

The motion to approve the zoning text amendment with the administrative corrections was unanimously approved by the Board Members present.

Attachment

D



Request for City Council Action

Agenda Item:	2
Date:	11/9/2011

Subject: Public Hearing – *(Quasi-Judicial)* – Special Use Permit and Site Plan –
Telecommunications Tower, Freestanding – 3336 Hunters Trail
Department: Development Services
Presented by: Jeremy Smith, Senior Planner
Presentation: Yes

Issue Statement

American Tower Corporation has submitted a Special Use Permit and Site Plan application for a Telecommunications Tower, Freestanding. The proposed 165 feet tall, monopole tower would be constructed on a 14.07 acre site located at 3336 Hunters Trail

The property is zoned Residential Single-Family 12 (RS-12) which allows Telecommunications Towers, freestanding as a special use.

Financial Impact

None

Action Needed

Consideration of the Special Use Permit and Site Plan

Recommendation

Staff recommends Council approve the Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative and conditioned upon the items identified within the staff report.

Approved: ☒ City Manager ☐ City Attorney

Exhibits:

- A Special Use Permit Worksheet
- B TRC Comments
- C Planning Board Minutes – October 10, 2011
- D Zoning and Land Use Map
- E Special Use Permit and Site Plan



Staff Report

Public Hearing – (*Quasi-Judicial*) – Special Use Permit and Site Plan – Telecommunications Tower, Freestanding – 3336 Hunters Trail

Introduction

American Tower Corporation has submitted a Special Use Permit and Site Plan application for a Telecommunications Tower, Freestanding. The proposed 165 feet tall, monopole tower would be constructed on a 14.07 acre site located at 3336 Hunters Trail. The proposed tower site is not within the City's adopted Flight Plan Overlay District (FPOD).

The property is zoned Residential Single-Family 12 (RS-12) which allows Telecommunications Towers, freestanding as a special use.

Procedural History

- On September 18, 2006, Onslow County adopted their Flight Path Overlay District (FPOD); however, this did not include the area within Jacksonville's city limits or the Extraterritorial Jurisdiction (ETJ).
- On September 13, 2010 the Planning Board recommended approval of American Tower Corporation's request for a Telecommunications Tower, Freestanding at 107 Adobe Lane.
- On October 19, 2010 City Council conducted a public hearing to consider American Tower Corporation's request for a Telecommunications Tower, Freestanding at 107 Adobe Lane. The public hearing was recessed to the November 3rd meeting in order to allow staff to ascertain additional information from Marine Corps Base Camp Lejeune.
- On November 3, 2010 City Council opened the public hearing and recessed the hearing until a date uncertain.
- On December 21, 2010 American Tower withdrew their special use permit and site plan request for the site located at 107 Adobe Lane.
- On January 4, 2011 City Council adopted a Zoning Text Amendment creating the Flight Path Overlay District (FPOD).
- On February 9, 2011 City Council adopted the Flight Path Overlay Zoning District.
- On September 6, 2011, American Tower Corporation submitted a new request for a Telecommunications Tower, Freestanding to be constructed at 3336 Hunters Trail. The new location is not within the City's recently adopted Flight Path Overlay District.
- On October 10, 2011 the Planning Board recommended approval of this request.
- On November 9, 2011 City Council will conduct a public hearing and consider this request.

Stakeholders

- American Tower Corporation – Applicant
- Sue C. Tuton – Property Owner
- Tower Engineering Professionals, Inc. – Applicant’s Engineer/Land Planner
- Adjacent property owners - In addition, public hearing notices will be sent out, legal ads will be published and signs will be placed on the property prior to the City Council meeting.

Zoning Assessment

The property is located within the City’s Extraterritorial Jurisdiction (ETJ) and is currently zoned Residential Single-Family 12 (RS-12). It is bordered to the north and west by single family dwellings (attached), zoned Townhouses, Condominiums, and Apartments (TCA) and to the north and east by single family dwellings (detached), zoned Residential Single-Family 12 (RS-12); and to the south by undeveloped property, zoned Residential Single-Family 12 (RS-12).

Land Use Assessment

The CAMA Future Land Use (FLU) Plan (*approved 2011*) represents a long range vision for community growth 20 to 30 years into the future. Created by staff, professional consultants and community stakeholders, the CAMA Plan is the most comprehensive depiction of future growth for the City and its ETJ.

The CAMA Plan identifies the subject parcel as Conservation (CSV). The Conservation designation includes land of significant environmental or conservation value, including floodplains and wetlands. Motts Creek runs eastwardly across the northern portion of the subject parcel and has identified wetlands in that region as well as a small area to the south also identified as wetlands.

Properties to the north are identified as Moderate Density Residential and are used as single family dwellings attached (townhouses). To the east of the subject parcel, properties are identified as Low Density Residential (LDR) and contain single family detached homes. To the west and south of the subject parcel, land is undeveloped and identified as Conservation.

Evaluation

Staff believes that the proposed project’s land use is consistent with the CAMA FLU Map’s Conservation designation, provided the proposed cell tower remediates any potential environmental impacts its development may cause.

Sewer Flow Allocation Assessment

This site is within the City's Extraterritorial Jurisdiction (ETJ) and will not be served by City sewer service, if services are required at all.

Parking Assessment

Section 102 Parking Requirements of the City's Zoning Ordinance doesn't identify a specific parking standard for an unmanned telecommunication tower. Staff has required that at least one space be provided in order to accommodate service vehicles that provide routine maintenance/inspections to the site. This has been a consistent requirement over the years for towers and other similar unmanned utility sites. The proposed site plan identifies one parking space.

Public Hearing Notification

In accordance with the City Zoning Ordinance, all property owners within 200 feet of the subject parcel will also be notified of the proposed public hearing conducted by City Council. In addition, signs have been posted on the site and legal ads were published on October 28th and November 4th in the local newspaper.

Merits of the Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The property is located within the City's Extraterritorial Jurisdiction (ETJ) and is currently zoned Residential Single-Family 12 (RS-12). It is bordered to the north and west by single family dwellings (attached), zoned Townhouses, Condominiums, and Apartments (TCA) and to the north and east by single family dwellings (detached), zoned Residential Single-Family 12 (RS-12); and to the south by undeveloped property, zoned Residential Single-Family 12 (RS-12).

Telecommunications Towers, Freestanding is identified as a Special Use within the Residential Single-Family 12 (RS-12) zoning district.

- b. The application is complete;

Staff findings: The necessary applications, fees, special use permit and site plan have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is consistent with the CAMA FLU Map's Conservation designation, provided the proposed cell tower remediates any potential environmental impacts its development may cause.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the site plan does not meet all applicable standards. Staff recommends the site plan be approved conditioned upon the following condition prior to the issuance of any building permits:

- Site plan shall be revised per the TRC Comments found within Attachment B prior to the issuance of a building permit.

- e. The proposed special use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The property is located within the City's Extraterritorial Jurisdiction (ETJ) and is currently zoned Residential Single-Family 12 (RS-12). It is bordered to the north and west by single family dwellings (attached), zoned Townhouses, Condominiums, and Apartments (TCA) and to the north and east by single family dwellings (detached), zoned Residential Single-Family 12 (RS-12); and to the south by undeveloped property, zoned Residential Single-Family 12 (RS-12).

Telecommunications Towers, Freestanding is identified as a Special Use within the Residential Single-Family 12 (RS-12) zoning district.

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The property is located within the City's Extraterritorial Jurisdiction (ETJ) and is currently zoned Residential Single-Family 12 (RS-12). It is bordered to the north and west by single family dwellings (attached), zoned Townhouses, Condominiums, and Apartments (TCA) and to the north and east by single family dwellings (detached), zoned Residential Single-Family 12 (RS-12); and to the south by undeveloped property, zoned Residential Single-Family 12 (RS-12).

Telecommunications Towers, Freestanding is identified as a Special Use within the Residential Single-Family 12 (RS-12) zoning district.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

- A. Approve the Special Use Permit and Site Plan as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City standards.

- B. Approve the Special Use Permit and Site Plan with the following conditions:
(RECOMMENDED)

- **Site Plan shall be revised per the TRC comments found within Attachment B prior to the issuance of any building permits.**
- Pros: The required revisions are relatively minor that can be addressed in order to comply with all applicable City standards of Section 112, prior to the issuance of any building permits.
- Cons: The City Council would not be afforded the opportunity to comment on the revisions to the proposed plans. Further, the construction of a telecommunication tower may have a negative visual impact on nearby property owners.

- C. Defer Consideration of the request.

- Pros: The plan does not meet all applicable City standards. Deferral would allow the applicant time to address the outstanding items as well as any concerns the City Council may have.
- Cons: Would create additional delays for the applicant.

- D. Deny the Site Plan request.

- Pros: The proposed site plan does not meet all applicable City standards.
- Cons: Delays the applicant's ability to proceed with the development. May impact phone usage and/or communication networks in this area of the city.

WORKSHEET FOR SPECIAL/CONDITIONAL USE PERMITS

Applicant: American Tower Corporation

Location: 3336 Hunters Trail (Tax Map & ID# 1115-19.30)

Proposed Use of Property: Telecommunication Tower, Freestanding

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special/Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special/Conditional/conditional use	Yes	No
e.	The proposed Special/Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special/Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

___ The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL/CONDITIONAL USE PERMIT

motion to deny based on:

___ The Application is denied because, if completed as proposed, the development more probably than not: _____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit

A



TRC Comment Sheet

DATE: 9/28/11
TYPE: SITE PLAN
FILE NUMBER: 11-90000048
FILE NAME: TUTON "MONOPOLE" TELECOMMUNICATION TOWER
APPLICANT: AMERICAN TOWERS

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: JEREMY SMITH

Site Survey Sheet

- Provide the Existing Features and Survey Map that was supplied with the original submission with the following in a data block on the Site Survey
 - data block with the following information: existing use of the property, number of units, percentage of site devoted to open space (vegetated areas); and the zoning of the property;

Sheet C2 – Site Plan, Parent Parcel Plan

- Identify parking space by showing a wheel stop and dash lines.

Revisions may trigger new comments/requirements.

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Address is 3336 Hunters Trail. Please label plans with address.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

Approved, no additional comments

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

Exhibit

B

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

Approved, no additional comments

However, revisions may trigger new comments.

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

The revised plan for Hunters Trail American Tower stamped received September 26, 2011 is approved by the Public works Section.

DEPARTMENT: NCDOT
PLAN REVIEWER: Robert Vause

No comments submitted by TRC

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

Approved, no additional comments

DEPARTMENT: Progress Energy Carolinas Inc.
PLAN REVIEWER: Jackie Lee

No comments submitted by TRC

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

American Tower
11-90000048

9/9/2011

No action necessary by the Sanitation Division.

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue, 910-938-5073, amctigue@ci.jacksonville.nc.us

Project#: 11-90000048

~~Review Date: 9/15/11~~

Review Date: 9/28/11

Comments:

- ~~1. If driveway is gravel, the driveway should be paved for a distance of fifteen (15) feet back from edge of the paved street.~~
- ~~2. Provide appropriate signage with stop bar.~~
- ~~3. Provide sidewalk along frontage of property with appropriate handicap ramps and crosswalks.~~
- ~~4. Provide driveway width and turn radii at apron.~~
5. Parking spaces located in gravel must be demarcated with appropriate wheel stops or other parking stall indicators.

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

Based upon our cursory review of the submitted information it appears that a Stormwater Permit is required for the submitted plan. As of March 1, 2009, the City of Jacksonville became the permitting authority for stormwater permits within the City's corporate limits and ETJ. The rules governing those who must obtain stormwater permits and standards by which stormwater must be managed is provided in City Ordinance 2009-07. The City has also developed an administrative manual which provides forms, checklist and other information that will serve as a guide to those seeking stormwater permits. This manual as well as, the ordinance and the City's Manual of Specifications, Standards and Design are available upon request. Requests should be made to the City's Stormwater Manager at 910-938-6446.

The project appears to be part of a larger common plan of development. Developments and redevelopments that disturb less than one acre are not exempt if such activities are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: TUTON "MONOPOLE" TELECOMMUNICATION TOWER

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions,including radius	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
9	Install water supply, fire hydrant.	



Draft Planning Board Minutes – October 10, 2011

Agenda Item:	2
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Public Hearing – (*Quasi-Judicial*) – Special Use Permit and Site Plan – Telecommunications Tower, Freestanding – 3336 Hunters Trail

American Tower Corporation has submitted a special use permit and site plan application for a Telecommunications Tower, Freestanding. The proposed 165 feet tall, monopole tower would be constructed on a 14.07 acre site located at 3336 Hunters Trail. The proposed tower site is not within the City's adopted Flight Plan Overlay District (FPOD).

The Property is zoned Residential Single-Family 12 (RS-12) which allows Telecommunications Towers, freestanding as a special use.

City staff recommends the Planning Board move to approve the special use permit and site plan based on findings of fact A through G being found in the affirmative and conditioned upon the items identified within the staff report.

Mr. Spring asked about the wetlands area that prevents the two road from being connected. Mr. Smith stated there is a creek running and the entire back area is the wetlands. Mr. Quinn asked will it be improved asphalt. Mr. Smith replied the first 15 feet will be paved as required and then it will transition to a gravel path suitable for emergency access.

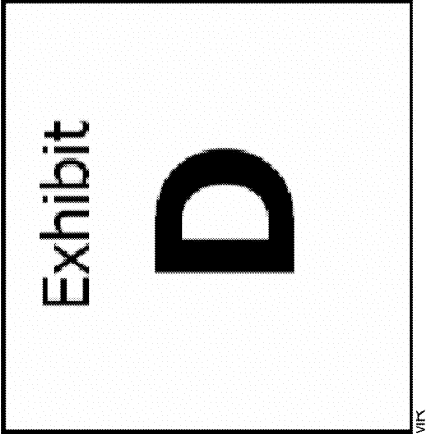
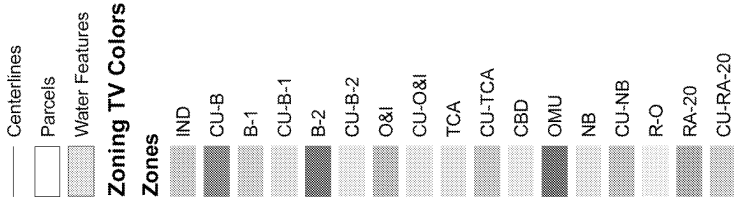
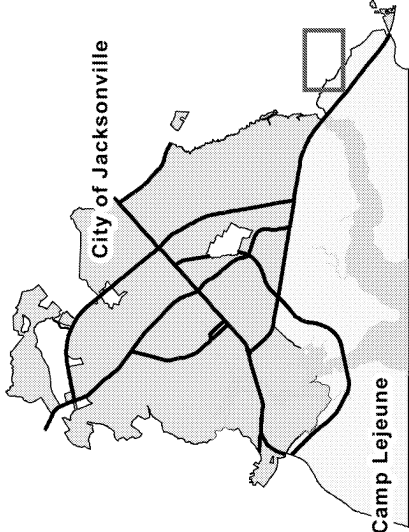
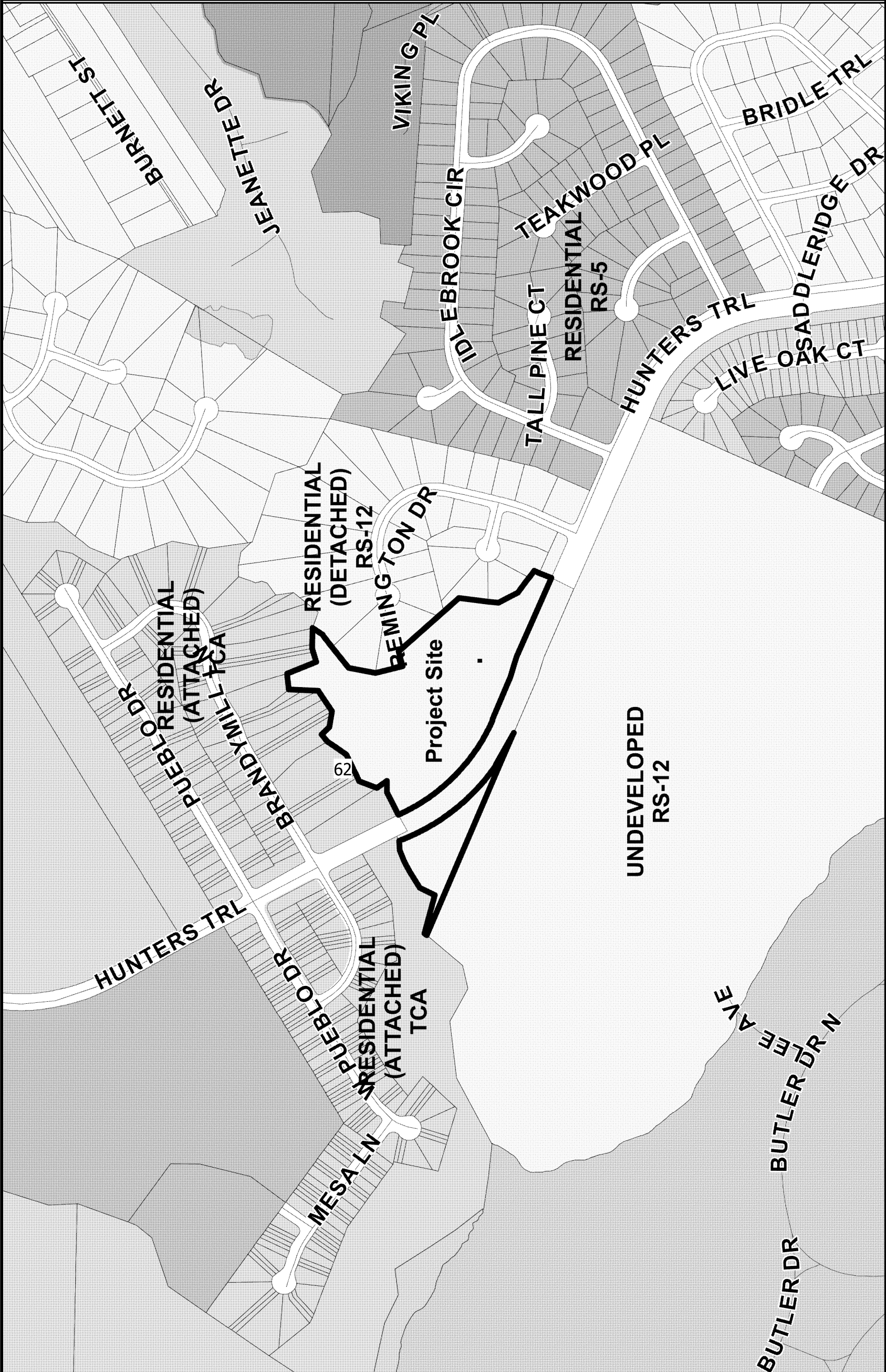
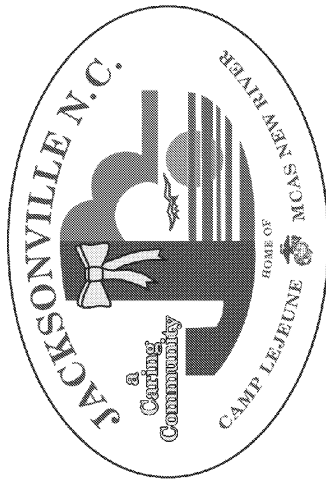
Chuck Quinn moved to approve the special use permit and site plan based on findings of fact A through G being found in the affirmative and conditioned upon the items identified within the staff report. Homer Spring seconded the motion.

The motion to approve the special use permit and site plan based on findings of fact A through G being found in the affirmative and conditioned upon the items identified within the staff report was unanimously approved by the Board Members present.

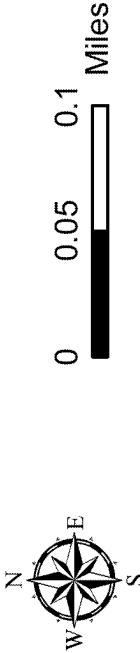
Exhibit

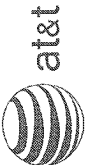
C

Tuton Monopole Telecommunications Tower - 3336 Hunters Trail



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.





AT&T MOBILITY CORPORATION
2002 PISGAH CHURCH ROAD
SUITE 300
GREENSBORO, NC 27455

**AMERICAN
TOWER
LLC**

REGIONAL OFFICE
829 PICKENS INDUSTRIAL BLVD. (BUILDING 3)
MARIETTA, GA 30062
PHONE: (770) 919-9003
FAX: (770) 792-6570



AW
Solutions

300 CROWN OAK CENTRE DRIVE
LONGWOOD, FL 32750
TEL: 407.260.0231
FAX: 407.260.0749

[illegible]

EMMANUEL POULIN SEP 21 2011
NC. P.E. #27707

IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS THEY ARE AGING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT. UNLESS EXPLICITLY AGREED TO BY AIA SOLUTIONS IN WRITING, AIA SOLUTIONS, INC. DISCLAIMS ALL LIABILITY ASSOCIATED WITH THE USE, ALTERATION OR MISUSE OF THE CONTENTS HEREIN.

SITE #: 214-046
SITE NAME: 214P0046

ADDRESS: HUNTERS TRAIL
JACKSONVILLE, NC 28544
FA#: 10132728

SITE TYPE: NEW BUILD -- RAWLAND

SHEET TITLE:

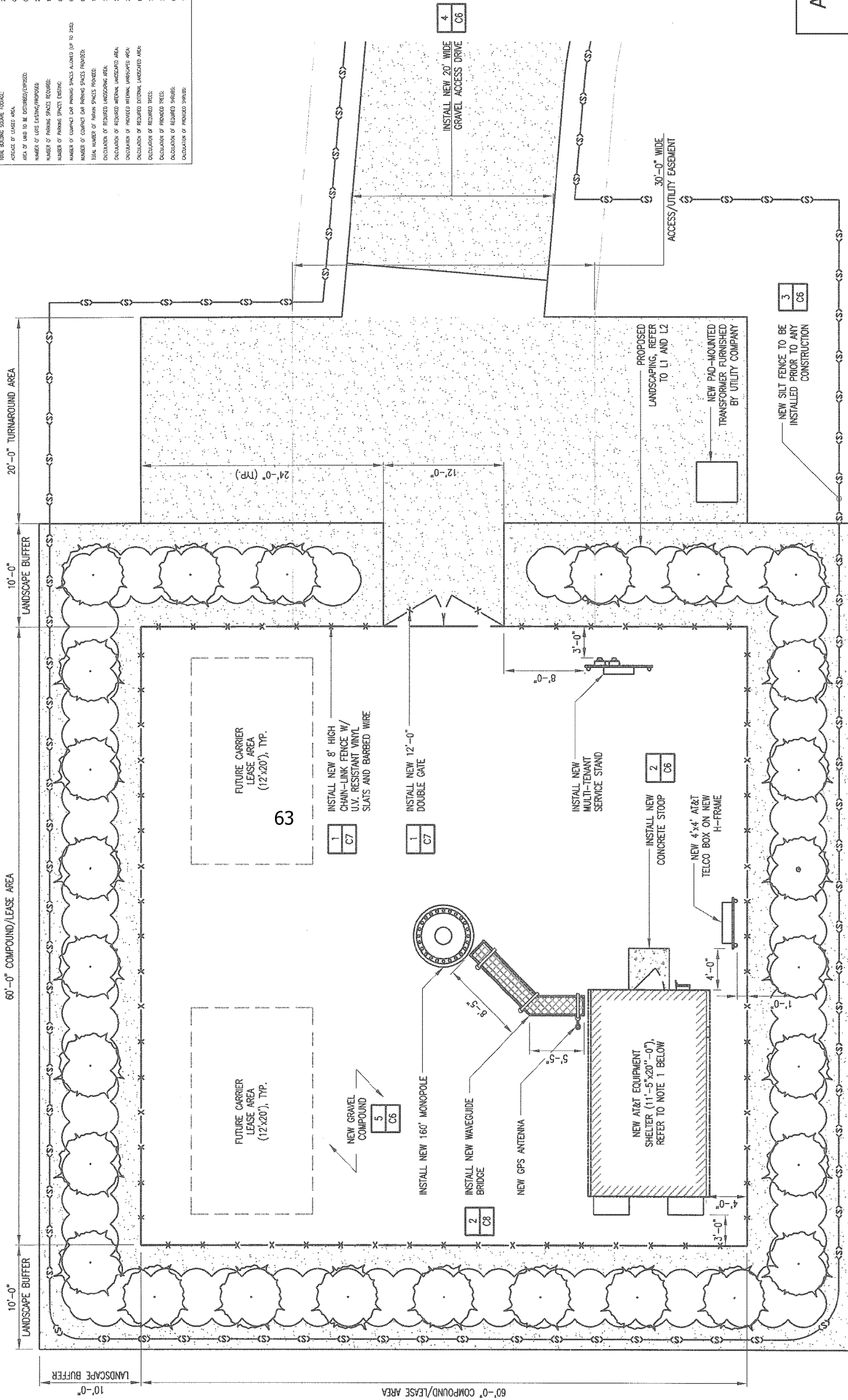
DETAILED SITE PLAN

SHEET NUMBER:

82.1

SITE DATA TABLE

ENGINEERING		WINDING/UNWINDING	
PROPOSED WINDING:		FREE STANDING RECOMMENDATION TOWER	
PARCEL ZONING:		U	
MINIMUM LOT SIZE:		7000 SQ. FT.	
PLAT BOOK/PAGE:		08-01019-04-0	
W. PIN NUMBER:		43800-077287	
LOT PRACT. ID:		53611021008 AND 10400-07287	
SQUARE FOOTAGE OF EXISTING BUILDINGS:	0 SQ. FT.		
SQUARE FOOTAGE OF PROPOSED BUILDINGS:	219 SQ. FT.		
TOTAL BUILDING SQUARE FOOTAGE:	219 SQ. FT.		
PERCENTAGE OF COVERED AREA:	0.033 ACRES		
AREA OF LAND TO BE DISTURBED/EXPOSED:	0.077 ACRES		
NUMBER OF LOTS EXISTING/PROPOSED:	2/2		
NUMBER OF BUILDING SPACES REQUIRED:	1		
NUMBER OF BUILDING SPACES EXISTING:	0		
NUMBER OF COMPACT CAR PARKING SPACES ALLOWED (UP TO 75%):	0		
NUMBER OF COMPACT CAR PARKING SPACES REQUIRED:	0		
TOTAL NUMBER OF PARKING SPACES PROVIDED:	1		
CIRCULATION OF EXISTING LANDSCAPE AREA:	7000 SQ. FT.		
CIRCULATION OF REQUIRED EXTERNAL LANDSCAPED AREA:	2000 SQ. FT.		
CIRCULATION OF REQUIRED EXTERNAL UNLANDSCAPED AREA:	2000 SQ. FT.		
CIRCULATION OF REQUIRED EXTERNAL TREES:	N/A		
CIRCULATION OF PROPOSED TREES:	27		
CIRCULATION OF REQUIRED SHRUBS:	67		
CIRCULATION OF PROPOSED SHRUBS:	70		



Attachment

SITE PLAN

SCALE: 3/32" = 1'-0" (11" x 17")

1. AT&T RESIDENTIAL--TYPE SHELTER (ROOF & SIDING).



Request for City Council Action

**Consent
Agenda
Item:** **3**
Date: 11/9/2011

Subject: Voluntary Annexation Petition – HPS&R and Jacksonville Hotel, Inc. – 10.21-Acres – Western Blvd.

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

On behalf of HPS&R, Inc. and Jacksonville Hotel, Inc., John Pierce and Associates has submitted a voluntary annexation petition for annexation of three tracts totaling 10.21 acres that are contiguous to the current City limit boundaries. The tracts are located adjacent to Western Blvd at its intersection with Henderson Drive Extension.

The property is currently proposed as the site for three commercial businesses:

1) 73,109 square feet Courtyard by Marriot hotel with 112 rooms and conference space; 2) Car Wash, and 3) Restaurant.

The first step in the Voluntary Annexation process is to pass a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Financial Impact

Financial impacts will be presented with the Public Hearing agenda item.

Action Needed

Consider Voluntary Annexation Petition

Recommendation

Staff recommends Council move to adopt the Resolution as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Annexation Petition
- B Proposed Resolution
- C Location Map



Staff Report

Consent
Agenda
Item:

3

Voluntary Annexation Petition - HPS&R and Jacksonville Hotel, Inc.

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

Tracts 1-3 are located adjacent to Western Blvd across from its intersection with Henderson Drive Extension. The property is surrounded by vacant property on three sides and by a gas station and three banks (RBC Centura, BB&T, and First Citizens) across the road on Western Blvd.

The property is currently proposed as the site for three commercial businesses: 1) 73,109 square feet hotel, Courtyard by Marriot, with 112 rooms and conference room space; 2) Car Wash, and 3) Restaurant.

Procedural History

- November 9, 2011 – Council will consider a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- November 22, 2011 – Proposed date for Council to consider a Resolution scheduling a future Public Hearing.
- December 6, 2011 – Proposed Date to conduct a Public Hearing and for Council to consider adopting the Annexation Ordinance.
- December 6, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- HPS&R, Inc. – John Pierce – Managing Partner
- Jacksonville Hotel, Inc. – Javesh N. Patel, Vice President
- Citizens of Jacksonville

Options

- Adopt the Resolution Directing Staff to Investigate Sufficiency of the Voluntary Annexation Petition – **RECOMMENDED**.
Pros: The site is contiguous to the current corporate limits and is proposed for future development;
Cons: None
- Deny the Resolution Directing Staff Investigate the Sufficiency of the Petition –
Pros: None
Cons: This action would conflict with past actions associated with contiguous property proposed for development;
- Defer Consideration – Should Council desire additional information, provide direction to staff on the specific information Council would like to receive.

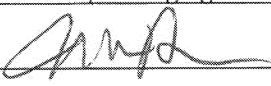
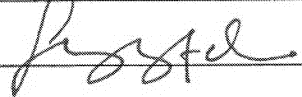
PETITION FOR ANNEXATION

DATE October 10, 2011

TO THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, NORTH CAROLINA:

1. I/We, the undersigned owner(s) of real property hereinafter described, respectfully request that the area described below be annexed to the City of Jacksonville, in accordance with the provisions of Section 160A-31 of the General Statutes of North Carolina.
2. The area to be annexed is contiguous to the corporate limits of the City of Jacksonville, North Carolina, and the boundaries of such territories are as described below.

OWNER SIGNATURE(S), NAME(S) PRINTED OR TYPED, AND ADDRESS(ES)

HPS&R, Inc.- John Pierce/Managing Partner	Jacksonville Hotel, Inc.-Jayesh N. Patel, VP
P.O. Box 1685 	2011 Veasley Street 
Jacksonville, NC 28541	Greensboro, NC 27407

PROPERTY DESCRIPTION

SEE ATTACHED MAP AND LEGAL DESCRIPTIONS

Attachment

A

RESOLUTION (2011-)

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G. S. 160A-31

HPS&R AND JACKSONVILLE HOTEL, INC.
WESTERN BLVD. - 10.21-ACRES

WHEREAS, a petition requesting annexation of an area described in said petition has been received on November 9, 2011 by the Jacksonville City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Jacksonville deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the City Council the result of her investigation.

Adopted by the Jacksonville City Council in regular session this 9th day of November, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

B

C

PROPOSED ANNEXATION SITE

City Limits

Extra Territorial Jurisdiction

City Limits

Proposed Annexation Site



Request for City Council Action

**Consent
Agenda
Item:** **4**
Date: 11/9/2011

Subject: Voluntary Annexation Petition – New Beginnings Child Care Center-3.10 acres – 200 Terry Lee Lanier Drive – Carolina Forest

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

NBI Financial III, LLC (New Beginnings Child Care Center) has submitted a voluntary annexation petition for annexation of 3.10 acres that are contiguous to the current City limit boundaries. The property is located adjacent to Carolina Forest Blvd at its intersection with Terry Lee Lanier Drive.

The property is the site of a 14,533 square feet childcare facility, which has been issued a 90 day certificate of occupancy. A site plan for the facility was approved October 22, 2010, with driveway access only on Terry Lee Lanier Drive. The facility will be paying outside City water and sewer rates until the property is fully annexed into the City.

The first step in the Voluntary Annexation process is to pass a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Financial Impact

Financial impacts will be presented with the Public Hearing agenda item.

Action Needed

Consider Voluntary Annexation Petition

Recommendation

Staff recommends Council move to adopt the Resolution as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Annexation Petition
- B Proposed Resolution
- C Location Map



Staff Report

Voluntary Annexation Petition

New Beginnings Child Care Center-3.10 acres – 200 Terry Lee Lanier Drive

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

The 3.10 acre property is located in the Carolina Forest area at the corner of Carolina Forest Blvd and Terry Lee Lanier Drive. The property is the site of a 14,533 square feet childcare facility, which has been issued a 90 day certificate of occupancy. A site plan for the facility was approved October 22, 2010, with driveway access only on Terry Lee Lanier Drive. The facility will be paying outside City water and sewer rates until the property is fully annexed into the City.

Procedural History

- November 9, 2011 – Council will consider a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- November 22, 2011 – Proposed date for Council to consider a Resolution scheduling a future Public Hearing.
- December 6, 2011 – Proposed Date to conduct a Public Hearing and for Council to consider adopting the Annexation Ordinance.
- December 6, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- NBI Financial III, LLC – Jody and Cheryl Cavanaugh- owner/petitioners
- Citizens of Jacksonville

Options

- Adopt the Resolution Directing Staff to Investigate Sufficiency of the Voluntary Annexation Petition – **RECOMMENDED**.
Pros: The site is contiguous to the current corporate limits;
Cons: None
- Deny the Resolution Directing Staff Investigate the Sufficiency of the Petition –
Pros: None
Cons: This action would conflict with past actions associated with contiguous property developed commercially;
- Defer Consideration – Should Council desire additional information, provide direction to staff on the specific information Council would like to receive.

PETITION FOR ANNEXATION

DATE 10.19.11

TO THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, NORTH CAROLINA:

1. I/We, the undersigned owner(s) of real property hereinafter described, respectfully request that the area described below be annexed to the City of Jacksonville, in accordance with the provisions of Section 160A-31 of the General Statutes of North Carolina.
2. The area to be annexed is contiguous to the corporate limits of the City of Jacksonville, North Carolina, and the boundaries of such territories are as described below.

OWNER SIGNATURE(S), NAME(S). PRINTED OR TYPED, AND ADDRESS(ES)

<u>NBI Financial III, LLC</u>	<u>Jody and Cheryl Cavanaugh</u>
<u>120 Terry Lee Lanier Dr</u>	<u>Jody [Signature]</u>
<u>Jacksonville, NC 28546</u>	<u>Cheryl Cavanaugh</u>

PROPERTY DESCRIPTION

New construction of a Child Care Facility.
Building is 14,120 sq feet with 5
fenced in playgrounds.

Being all of Tract II (3.10 Acres) as shown
on plat entitled "Recombination Plat of
Tracts I & II Off Carolina Forest Blvd." as
recorded in Map Book 56, Page 177, Onslow
County Registry.

Attachment

A

RESOLUTION (2011-)

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G. S. 160A-31

NEW BEGINNINGS CHILD CARE CENTER- 200 TERRY LEE LANIER DRIVE
CAROLINA FOREST AREA
3.10 ACRES

WHEREAS, a petition requesting annexation of an area described in said petition has been received on November 9, 2011 by the Jacksonville City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Jacksonville deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the City Council the result of her investigation.

Adopted by the Jacksonville City Council in regular session this 9th day of November, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

B

**NB Financial III, LLC
Proposed Annexation Site**

Legend

- PROPOSED ANNEXATION SITE
- City Limits
- Extra Territorial Jurisdiction

Proposed Annexation Site



Single Family Dwellings

Vacant

73

**Attachment
C**

Legend

-  PROPOSED ANNEXATION SITE
-  City Limits
-  Extra Territorial Jurisdiction

Extra Territorial Jurisdiction

C



Request for City Council Action

**Consent
Agenda
Item:** **5**
Date: 11/9/2011

Subject: City Code Amendment – Firearms and Other Weapons on City Property

Department: Legal, Recreation & Parks, and Police Departments

Presented by: John T. Carter, Jr., City Attorney

Presentation: No

Issue Statement

During the recently completed legislative session, S.L. 2011-268, the omnibus gun rights bill also known as the Castle Doctrine was enacted effective December 1, 2011. Specifically, Section 21(b) of the bill amends G.S. 14-415.23, limiting municipalities' authority to regulate guns in terms of concealed carry in parks.

Previously the statute allowed a municipality to adopt an ordinance permitting the posting of a prohibition against carrying a concealed handgun in local government buildings, their appurtenant premises, and parks.

S.L. 2011-268 amended the statute to remove the term 'parks' and replace it with "recreational facilities that are specifically identified by the local government." The term "recreational facilities" was defined to include only the following: a playground, an athletic field, a swimming pool, and an athletic facility. The change also provided that if the municipality adopts an ordinance with regard to recreational facilities, then the concealed handgun permittee may secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment within or on the motor vehicle.

If approved, the ordinance would become effective on the same date as the statute takes effect, on December 1, 2011.

Financial Impact

Approximately \$3,000 for signage.

Action Needed

Consider the Ordinance

Recommendation

Staff recommends Council approve the ordinance amending the City Code.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Proposed Ordinance Amending the City Code

ORDINANCE (#2011-)

AN ORDINANCE AMENDING THE CITY CODE
OF THE CITY OF JACKSONVILLE

CHAPTER 15 – OFFENSES AND MISCELLANEOUS PROVISIONS
AND
CHAPTER 16 – PARKS AND RECREATION

BE IT ORDAINED by the City Council of the City of Jacksonville that Chapter 15, Offenses and Miscellaneous Provisions, Article II – Offenses Against the Public Peace and Chapter 16 – Parks and Recreation – Article II – Parks and Recreation Safety - of the Jacksonville City Code are hereby amended as follows:

Delete the following existing Code as indicated by strikeover and add new Section 15-11 shown below with a dotted underline and amend Section 16-24 as shown..

Sec. 15-11. - Possession of weapons on city property.

~~(a) Except as provided in subsection (b) below, it shall be unlawful for any person to possess a weapon, as defined in G.S. Section 14-269, in or upon any building, park or other property, or their appurtenant premises which is owned or otherwise under the legal control of the city.~~

~~(b) This prohibition shall not apply to the following persons:~~

~~(1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;~~

~~(2) Civil officers of the United States while in the discharge of their official duties;~~

~~(3) Officers and soldiers of the militia and the national guard when called into actual service;~~

~~(4) Sworn law enforcement officers;~~

~~(5) County of Onslow animal control officers;~~

~~(6) Private security officers under contract with the city, while in the actual performance of their required duties;~~

~~(7) Persons allowed to hunt at land application site pursuant to terms of hunting leases approved by the city council.~~

~~(c) A conspicuous notice shall be posted upon 677property set forth in subsection (a) above stating: "Possession of weapons or carrying a concealed handgun is prohibited."~~

~~(d) Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined five hundred dollars (\$500.00) or imprisoned for thirty (30) days, or both.~~

Section 15-11 - Firearms and other weapons prohibited on city property

(a) Except as provided in subsection (g) below all persons are prohibited from possessing any firearm, including a handgun carried under the authority of a lawful concealed handgun permit, in city owned buildings and their appurtenant premises, as defined herein.

(b) Except as provided in subsection (g) below all persons are prohibited from possessing any firearm, unless carried concealed under the authority of a lawful concealed handgun permit, in any city park.

However, the exception for concealed carry on a lawful concealed handgun permit does not apply to those locations identified in subsection (c).

- (c) Except as provided in subsection (g) below all persons are prohibited from possessing any firearm, including a concealed handgun carried under the authority of a lawful concealed handgun permit, at the following city recreational facilities (i.e. athletic facilities, athletic fields and playgrounds) in accordance with G.S. 14-415.23:

<i>PARK</i>	<i>AMENITIES</i>
Branchwood Park	playground
Brook Valley Park	picnic shelter(s) playground(s) tennis courts parking lot(s)
Georgetown Park	restrooms baseball/softball field(s) & affiliated areas basketball courts & affiliated areas picnic shelter(s) playground(s) parking lot(s)
Henderson Green Trail	trails
Jack Amyette Recreation Center & Park	restrooms baseball/softball field(s) & affiliated areas basketball courts & affiliated areas playground(s) parking lot(s) gym multipurpose field
Jack Amyette Activities Center	restrooms recreation center(s) parking lot(s)
Jacksonville Commons Complex	restrooms baseball fields/softball fields & affiliated areas concession stand(s) basketball court(s) & affiliated areas fitness & nature walks picnic shelters playground(s) Senior Center gym skateboard park & affiliated areas tennis courts & affiliated areas outdoor volleyball courts & affiliated areas parking lot(s)

<i>PARK</i>	<i>AMENITIES</i>
Kerr Street Recreation Center & Park	restrooms baseball/softball field(s) & affiliated areas basketball court(s) & affiliated areas picnic shelter(s) playground(s) tennis courts & affiliated areas parking lots recreation center
L.P. Willingham Waterfront	gazebo pier parking lot(s)
Market Street Park	park area
Northeast Creek Park/Waterfront	restrooms boat access area baseball/softball fields & affiliated areas concession stands disc golf course & affiliated areas fitness walk(s) nature walk(s) boardwalk(s) picnic shelters playgrounds gazebo pier parking lots
Northwoods Recreation Center & Park	restrooms basketball court(s) & affiliated areas playground(s) recreation center(s)
Phillips Park/Waterfront	restrooms concession stand(s) baseball/softball fields & affiliated areas basketball court(s) & affiliated areas picnic shelter(s) playground(s) parking lots waterfront walkways
Rails to Trail	Bike Trail (Downtown to Main Gate)
Richard Ray Park	restrooms fitness walks picnic shelter(s) playground(s)
Riverwalk Crossing	train depot stage linear greenway

<i>PARK</i>	<i>AMENITIES</i>
Sherwood Forest Park	picnic shelter(s) playground(s) parking lot(s)
Sturgeon City Park	fitness walks/trails boardwalks picnic shelters playground(s) parking lot(s)
Wilson Bay Park/Waterfront	restrooms boardwalks gazebo pier picnic shelter(s) playground(s) parking lot(s)
Woodlands Park	restrooms concession stand(s) fitness walks/trails horseshoe pit(s) picnic shelter(s) playground(s) soccer fields & affiliated areas volleyball court(s) & affiliated areas parking lots
Wooten Park	restrooms basketball court(s) & affiliated areas shelter(s) playgrounds parking lots

- (d) Except as provided in subsection (g) below all persons are prohibited from possessing weapons, other than firearms, as defined in G.S. §14-269 in city owned buildings, their appurtenant premises, and in city parks and recreational facilities, as defined herein.
- (e) Nothing herein is intended to prohibit a person from storing a firearm within a motor vehicle while the vehicle is on the aforementioned properties in the city.
- (f) For the purposes of this section, "buildings" is defined as set forth in G.S. §14-54(c) as including any dwelling, dwelling house, uninhabited house, building under construction, building within the curtilage of a dwelling house, and any other structure designed to house or secure within it any activity or property.
- (g) This prohibition shall not apply to the following persons:
- (1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
 - (2) Civil officers of the United States while in the discharge of their official duties;
 - (3) Officers and soldiers of the militia and the national guard when called into actual service;
 - (4) Sworn law enforcement officers;
 - (5) County of Onslow animal control officers;

- (6) Private security officers under contract with the city, while in the actual performance of their required duties;
- (7) Persons allowed to hunt at the land application site pursuant to terms of hunting leases approved by the city council.
- (8) Persons firing firearms without projectiles in organized educational, entertainment, instructional, or ceremonial events authorized or sponsored by the City of Jacksonville.
- (h) A conspicuous notice shall be posted at each entrance to any property set forth in (a), (b), or (c) above outlining the restrictions prescribed in this section.
- (i) Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined five hundred dollars (\$500.00) or imprisoned for six (6) months or both.
- (j) Firearms and other weapons possessed in violation of this ordinance are hereby declared to be contraband. The chief of police or his designee shall dispose of such weapons pursuant to applicable state law.

Chapter 16 – Parks and Recreation

Sec. 16-24. - Possess firearm/weapon/fireworks.

- (a) It shall be unlawful for any person to possess or carry on or about his/her person, whether openly or concealed, any deadly weapon as defined in G.S. 14-269, including but not limited to: bowie knife, dirk, dagger, loaded cane, metallic knuckles, razor, shurikin, stun gun, ~~pistol, revolver, gun, rifle, or~~ nightstick or other weapons, excluding guns. Possession or carrying of any ~~pistol, revolver, gun, rifle,~~ within any city park or trail is prohibited except as to permitted concealed carry in accordance with G.S. 14-415.23 and also as specifically defined in Section 15-11 of this code.

This section shall not apply to law enforcement or other government personnel acting within the scope of their employment; nor shall this section apply to weapons used for officially sanctioned ceremonial purposes.

- (b) It shall also be unlawful for any person to possess a sling shot, BB gun, paint gun or other similar toy or weapon which entails the use of or forcibly hurls a projectile or missile within any city park or trail way.
- (c) It shall be unlawful for any person to possess, set off or otherwise cause to explode or discharge or burn any firecrackers, fireworks or explosives within any city park or trail way, except when given prior approval through both the recreation and parks director and the city fire department.

This ordinance shall be effective December 1, 2011.

Adopted by the Jacksonville City Council in regular session this 9th day of November 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

A



Request for City Council Action

Consent
Agenda
Item: **6**
Date: 11/9/2011

Subject: Authorization to Condemn Financial Guarantee
Department: Public Services/Engineering
Presented by: Tom Anderson
Presentation: No

Issue Statement

As directed by Council, staff is requesting authorization to process condemnation of the financial guarantee held by the City if the developer is unable or unwilling to extend the Surety Agreement.

Financial Impact

None.

Action Needed

Consider authorizing staff to process condemnation of the financial guarantee if the developer is unwilling or unable to extend the Surety Agreement.

Recommendation

Staff recommends Council authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to extend the Surety Agreement.

Approved: ☒ City Manager ☐ City Attorney

Attachments:
None



Staff Report

Consent
Agenda
Item:

6

Authorization to Condemn Financial Guarantees

Introduction

In order to keep sureties and agreements current, Staff needs permission from Council to extend or condemn expiring financial guarantees held by the City if the developer is unable or unwilling to provide renewed financial guarantees.

Procedural History

The City's Subdivision Ordinance stipulates how the City handles Subdivision Agreements, their warranty periods and the financial guarantees related to that project. City Council must authorize the extension of an agreement or warranty period and/or give authorization to condemn financial guarantees. The following subdivision has an agreement that soon will be expiring:

<u>Project Name</u>	<u>Expiration Dates</u>	<u>Amount</u>	<u>Extension</u>
Village at the Glen Section I-A	LOC: 12/7/2011	\$10,617.42	2 nd

Definitions:

LOC:	Letter of Credit	WAR:	Warranty	AGR:	Agreement
CD:	Certificate of Deposit	SIDE:	Sidewalk Agreement	BND:	Bond

Village at the Glen Section I-A – The Surety will expire December 7, 2011. This project is still under construction. The Developer needs to make some improvements and then may request a final inspection and acceptance of the public improvements for City maintenance. Once the project has been accepted, it will begin an eighteen month warranty period.

Stakeholders

- Developers: Carolina Forest Developers, LLC.
- Residents of the City of Jacksonville

Options

Approve: Authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to extend the Surety Agreement. **(RECOMMENDED)**

Pro: City may process condemnation of the financial guarantee in order to complete infrastructure.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.

Deny: Take no action

Pro: Taking no action on this item offers no advantage to the City.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.



Request for City Council Action

**Consent
Agenda
Item:** **7**
Date: 11/9/2011

Subject: Resolution Declaring Property Surplus and Authorizing Disposition
Department: Fleet Maintenance/Finance
Presented by: Ed Richards, Fleet Maintenance Supervisor
Presentation: No

Issue Statement

According to Fiscal Year 2011 Vehicle/Equipment Requests approved by the City Council, any item being replaced is to be declared surplus property and turned over to Fleet Maintenance for disposition. As required by G.S. 160A-268 and G.S. 160A-270C, Council must adopt a resolution authorizing the disposal of property.

Financial Impact

The Fleet Maintenance Division has placed an approximate value of \$50,515 on the six (6) items meeting the above criteria. This revenue is already included in the original adopted budget.

Action Needed

Consider the resolution.

Recommendation

Staff recommends that Council adopt the Resolution declaring these items surplus and authorizing the disposal through electronic auction with the listed starting value and no reserve.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Proposed Resolution

RESOLUTION (2011-)

**A RESOLUTION AUTHORIZING THE SALE OF
SURPLUS PROPERTY**

WHEREAS, the City Council of the City of Jacksonville desires to dispose of certain surplus property of the City of Jacksonville:

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

1. The following described property is hereby declared surplus property as to the needs of the City of Jacksonville:

Type	Year	VIN #	Miles	Condition	Blue Book Value	Starting Auction Price
Ford Crown Victoria	2000	2FAFP71W4YX102325	104,629	Good	\$3,965	\$800
Ford Crown Victoria	2005	2FAFP71W75X172543	58,625	Good	\$8,200	\$1,800
Ford Crown Victoria	2003	2FAHP71W03X198312	82,958	Good	\$4,475	\$1,000
Ford Crown Victoria	2005	2FAFP71W75X158402	66,427	Good	\$7,875	\$1,500
Volvo 25yr ³ Refuse Truck	1999	4VHJCLBE5XN867707	99,103	Good	\$13,000	\$6,000
Volvo 25yr ³ Refuse Truck	1999	4VHJCLBE7XN867708	98,700	Good	\$13,000	\$6,000
Total Value						\$50,515

Adopted by the Jacksonville City Council in regular session the 9th day of Nov 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

A



Request for City Council Action

Consent
Agenda Item:
Date: 11/9/2011
8

Subject: Resolution Authorizing City Manager to Execute Installment Purchase Agreement

Department: Finance

Presented by: Gayle Maides, Interim Finance Director

Presentation: No

Issue Statement

The City solicited bids to borrow \$2,463,000 to finance various vehicles and equipment already approved in the budget. On October 19, 2011, the City received 10 Proposals from various banks for financing \$622,000 for a 36 month term and 10 Proposals from various banks for financing \$1,841,000 for a 59 month term. The overall best proposal was from Bank of America Public Capital Corp (Bank of America, N.A.).

Financial Impact

Interest at 1.4600% for the next 36 months for a total cost of \$13,332. Interest at 1.6353% for the next 59 months for a total cost of \$73,648. Total interest of \$86,980 is less than the amount budgeted for in FY12.

Action Needed

Consider acceptance of the proposal from Bank of America and the resolution.

Recommendation

Staff recommends that Council approve the proposed resolution accepting the Proposal from Bank of America for the financing of the vehicles and equipment.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Resolution
- B Bid Tabulation - Informal

RESOLUTION (2011 -)

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT INSTALLMENT FINANCING AGREEMENT AND RELATED SCHEDULES WITH BANK OF AMERICA, N.A. TO FINANCE VARIOUS VEHICLES, HEAVY EQUIPMENT AND RELATED EQUIPMENT, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the City of Jacksonville, North Carolina (the “City”):

Section 1. The governing body of the City does hereby find and determine:

- a) The City proposes to purchase police vehicles and related equipment, including computers and software, and additional vehicles and heavy equipment (collectively, the “Project”);
- b) After consideration, the governing body of the City has determined that the most advantageous manner of financing thereof is by an installment financing agreement pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c) Pursuant to Section 160A-20, the City is authorized to finance the acquisition and installation of the Project by entering into an installment financing agreement and a security agreement that creates a security interest in the property financed to secure repayment of the financing;
- d) Bank of America, N.A., or an affiliate (the “Lender”) has offered to enter into a Master Equipment Installment Financing Agreement and related Schedules with the City to finance the Project pursuant to which the Lender will lend the City the amount of \$2,463,000 (collectively, the “Agreement”), and the City will grant a security interest to the Lender in the Project, in accordance with the terms set forth in a Summary of Terms and Conditions from the Lender dated October 19, 2011 (the “Term Sheet”),

Section 2. The governing body hereby authorizes and directs the City Manager and the Finance Officer to execute, acknowledge and deliver the Agreement on behalf of the City in such form and substance as the person executing and delivering such instruments on behalf of the City shall find acceptable and in substantial compliance with the Term Sheet. The Clerk is hereby authorized to affix the official seal of the City of Jacksonville, North Carolina to the Agreement and attest the same.

Section 3. The proper officers of the City are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Agreement.

Attachment

A

Section 4. Notwithstanding any provision of the Agreement, no deficiency judgment may be rendered against the City in any action for breach of a contractual obligation under the Agreement and the taxing power of the City is not and may not be pledged directly or indirectly to secure any moneys due under the Agreement, the security provided under the Agreement being the sole security for Bank of America in such instance.

Section 5. The City covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the City's obligations under the Agreement will not be included in the gross income of Bank of America.

Section 6. The City hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the City will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Agreement (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2011. In addition, the City hereby designates the Agreement and its obligations under the Agreement as a "qualified tax-exempt obligation" for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

Adopted by the Jacksonville City Council in regular session this 9th day of November, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Bid Tabulation Summary

Name of Advertised Bid: 59 Month Borrowing (\$1,841,000) & 36 Month Borrowing (\$622,000)
BID # n/a - Informal
Bid Opening Date October 19, 2011 4:00 p.m.

<u>Bank / Lender</u>	<u>59 Month Borrowing (\$1,841,000)</u>		<u>36 Month Borrowing (\$622,000)</u>	
	<u>Fees</u>	<u>Rate</u>	<u>Fees</u>	<u>Rate</u>
Bank of America Public Capital Corp	\$ -	1.6353%	\$ -	1.4600%
First Bank	\$ -	1.6800%	\$ -	1.5000%
RBC Bank	\$ 100.00	1.7400%	\$ 100.00	1.5800%
BB&T	\$ -	1.7900%	\$ -	1.4600%
Pinnacle Public Finance, Inc. (PPF)	\$ -	1.8500%	\$ -	1.7500%
SunTrust Equipment Finance	\$ 350.00	1.8650%	\$ 350.00	1.8650%
Wells Fargo	\$ 1,400.00	1.9100%	\$ -	1.7900%
Midwest Leasing, Inc.	\$ 250.00	1.9430%	\$ 250.00	2.0130%
Community Leasing Partners	\$ -	2.2900%	\$ -	2.2900%
First Citizens Bank	\$ 2,500.00	2.3800%	\$ 2,300.00	1.8500%
Carlyle Capital Markets, Inc.		No Bid		No Bid

I, Laura Rotchford, Financial Analyst, hereby certify that this is a true copy of the bids received.

Laura Rotchford
Signature

10-20-2011
Date

Attachment

B



Request for City Council Action

Consent
Agenda
Item: **9**
Date: 11/9/2011

Subject: Resolution Thanking the Onslow County Board of Commissioners for Hurricane Recovery Support

Department: City Manager's Office

Presented by: Richard L. Woodruff, City Manager

Presentation: Yes

Issue Statement

The City of Jacksonville wishes to express our sincere gratitude to the Onslow County Board of Commissioners who provided outstanding support and assistance during the Hurricane Irene recovery effort.

If approved, a framed presentation copy of the Resolution will be prepared for Mayor Phillips to present to the Onslow County Board of Commissioners at their November 21, 2011 meeting. Council members are also invited to be present.

Financial Impact

None

Action Needed

Consider the proposed Resolution

Recommendation

Consider the Resolution

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Proposed Resolution

RESOLUTION (2011-)

A RESOLUTION THANKING THE ONSLOW COUNTY BOARD OF COMMISSIONERS FOR HURRICANE RECOVERY SUPPORT

WHEREAS, the City of Jacksonville experienced substantial damage due to Hurricane Irene;
and

WHEREAS, the Onslow County Board of Commissioners assisted in the overall recovery of
our community by providing debris removal assistance; and

WHEREAS, the Onslow County Board of Commissioners worked with their FEMA
contractors to allow the City of Jacksonville to bring horticultural material from Hurricane Irene to
the County landfill for disposition; and

WHEREAS, the Onslow County Commission authorized their contractor to receive all
horticultural material from the City of Jacksonville, determine volumes of the material, burn the
material, and provided for the ultimate disposition of the material at the County landfill; and

WHEREAS, the Onslow County Commission filed all the necessary FEMA paperwork for
reimbursement to the county for their efforts; and

WHEREAS, through these efforts the City of Jacksonville and the Onslow County Taxpayers
residing within the City of Jacksonville were greatly benefited and the overall cleanup effort in the
City of Jacksonville was substantially enhanced;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Jacksonville,
North Carolina, hereby officially commends the Onslow County Board of County Commissioners
and their staff for the cooperation they provided the City of Jacksonville and our citizens in the
recovery from Hurricane Irene.

Adopted by the Jacksonville City Council in regular session this 9th day of November 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

A



Request for City Council Action

Agenda Item:	10
Date:	11/9/2011

Subject: Site Plan with Approved Special Use Permit – Staybridge (Hotel) – 110 Cobia Court
Department: Development Services
Presented by: Jeremy B. Smith, Senior Planner
Presentation: No

Issue Statement

Parker and Associates is seeking approval of a site plan with an approved special use permit for a proposed hotel. The developer is proposing a 62,025 square foot hotel (91 rooms) on 3.51 acres (2 tracts) adjacent to Cobia Court.

Financial Impact

None

Action Needed

Consideration of the Site Plan with Approved Special Use Permit

Recommendation

City staff and Planning Board recommend Council approve the Site Plan conditioned upon the items identified in Attachment A.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A TRC Comment Sheet
- B Planning Board Minutes – September 12, 2011
- C Zoning and Land Use Map
- D Site Plan



Staff Report

Agenda Item: 10

Site Plan with Approved Special Use Permit – Staybridge (Hotel) – 110 Cobia Court

Introduction

Parker and Associates is seeking approval of a site plan with an approved special use permit for a proposed hotel. The developer is proposing a 62,025 square foot hotel (91 rooms) on 3.51 acres (2 tracts) adjacent to Cobia Court.

Procedural History

- On February 16, 2010 City Council approved a Special Use Permit for these tracts of land to be used as a hotel. Approval was subject to the following conditions:
 - 1) Relocate existing easement along the interior lot lines of lots 6 and 12;
 - 2) Submit a site plan meeting all applicable City standards within 18 months or the use permit will be null and void.
- On August 2, 2011, Parker and Associates, Inc. submitted this application requesting site plan approval.
- On September 12, 2011 Planning Board recommended approval of this request.
- On October 4, 2011 the applicant requested to withdraw this request in order for it to be reviewed by the Schilsky Office Park property owner's association.
- On November 9, 2011 City Council will consider this request.

Stakeholders

- Stephen and Gabriele May – Owner/Applicant
- Parker and Associates – Surveyors/Engineers/Land Planners
- Adjacent property owners

Zoning Assessment

The property is located within the City limits and zoned Office & Institutional (O&I). The development site is bordered by medical offices and stormwater ponds, zoned Office & Institutional (O&I) and/or Business-1 (B-1) and undeveloped property zoned Residential-7 (R-7)

Sewer Allocation Assessment

The proposed development is located within the City Limits and as proposed will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Parking Assessment

In accordance with Section 102 Parking Requirements of the City of Jacksonville Zoning Ordinance, hotels are required to provide 1 parking space per room, plus 5 additional spaces for staff. However, any development that is larger than 25,000 square feet is eligible for a 20% reduction (19 spaces) to the number of parking spaces required. As a result, this 91 room hotel is required 96 spaces minus the 19 space reduction or 77 parking spaces. The developer is opting not to utilize the reduction and has identified 105 spaces, 32 more than the requirement.

Options

A. Approve the site plan with approved special use permit as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City Standards.

B. Approve the site plan with approved special use permit with the following condition(s): **(RECOMMENDED)**

- Site plan shall be revised per the TRC Comments found within Attachment A prior to the issuance of a building permit.
- Pros: Allows the process to move forward while ensuring a revised site plan meeting all applicable codes/ordinances will be submitted prior to construction.
- Cons: None.

C. Deny the site plan with approved special use permit request.

- Pros: The proposed site plan does not meet all applicable City Standards.
- Cons: None.

D. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: None.



TRC Comment Sheet

DATE: 9/1/11
TYPE: SITE PLAN
FILE NUMBER: 11-90000044
FILE NAME: STAYBRIDGE HOTEL
APPLICANT: PARKER & ASSOCIATES

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: JEREMY SMITH

- Recombination plat needed prior to issuing a building permit

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

No additional comments. Approved.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

No additional comments. Approved.

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

No additional comments. Approved.

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

No additional comments. Approved.

Required revision #1 shown below is referring to sewer allocation however your response was directed toward easements. Please submit the appropriate sewer allocation request form with the sewer flow permit modification. If you have any questions feel free to contact me directly @ (910) 938-5332.

Attachment

A

1. This development qualifies as a **Tier 1** project in accordance with the Sewer Allocation Policy. A Sewer Allocation Request Form must be submitted to Michael Moore in the Public Services Engineering Department. A copy of the Sewer Allocation Policy and the Sewer Allocation Request Form are available on the City of Jacksonville website at www.ci.jacksonville.nc.us and are located in the **Engineering and Construction** section under **Government & City Services**.

COMMENTS:

1. "Water Meters 3" inch in size and larger must be ordered one month in advance in order to eliminate any delay due to availability. Contact the City of Jacksonville Water Billing Division at (910) 938-5248 to place your order.
2. Projects which include structures greater than one story in height and major subdivisions will require the submittal of an Engineer's Hydraulic Model report proving that adequate water supply demands will be met.

Revisions may trigger additional comments.

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

The revised plan for Staybridge Hotel stamped received August 23, 2011 is approved by the Public works Section. Some additional comments will be made when the erosion control plan is reviewed such as: Verify the name of the creek that this property drains to, and revised inlet protection for the yard inlet detail to conform with State Detail #651.

DEPARTMENT: NCDOT
PLAN REVIEWER: Robert Vause

No comments submitted by TRC

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

No additional comments. Approved.

DEPARTMENT: Progress Energy Carolinas Inc.
PLAN REVIEWER: Jackie Lee

No comments submitted by TRC

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

No additional comments. Approved.

Site plans show a location that will have 91 units. Based on waste generation guidelines, two (2) 8-yard dumpsters will service this location. Site plan approved with two (2) 8-yard dumpsters. Enclosure should be at least 22 feet in width and 12 feet in depth with the height of the enclosure at least 6 feet or the height of the dumpster whichever is greater. Proper door stops should be in place for the doors to stay open during the collection process as well as being securely closed when not in use.

Pad specification should coincide with enclosure dimensions.

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue, amctigue@ci.jacksonville.nc.us, 910-938-5073

TIA: Not required
Collector Street: N/A
Bicycle and Pedestrian Plan: N/A

- ~~1. Narrow, 18', drive aisle must be widened to at least 24' or be signed for one-way use.~~
- ~~2. Recommend a crosswalk to pet walk area.~~
- ~~3. All sidewalks abutting parking spaces should be at least 6' wide or 4' and include wheel stops.~~
- ~~4. The face of wheel stops should be located 2 1/2' away from the front of the space.~~
- ~~5. Add stop bar and stop sign at second driveway to Cobia Court.~~
- ~~6. Clarify is crosswalk at main entrance is flush with pavement.~~
- ~~7. Stop bars should be located 4' in front of crosswalks.~~
- ~~8. Clarify need hatched area without handicap ramps next to handicap parking area that has handicap hatched access with ramps.~~

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

Based upon your response, you will be submitting to NCDWQ for this project. Please provide a copy of NCDWQ's approval to the Stormwater Manager once it's received.

No additional comments. Approved.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: STAYBRIDGE HOTEL

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions, including radius	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	11-90000044	
	No additional comments. Approved.	



Draft Planning Board Minutes – September 12, 2011

Agenda Item:	10
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Site Plan with Approved Special Use Permit – Staybridge (Hotel) – 110 Cobia Court

Parker & Associates is seeking approval of a site plan with an approved special use permit for a proposed hotel. The developer is proposing a 62,025 square foot hotel (91 rooms) on 3.51 acres (2 tracts) adjacent to Cobia Court. On February 16, 2010, City Council approved a Special Use Permit for these tracts of land to be used as a hotel. Approval was subject to the following conditions: 1) Relocate existing easement along the interior lot lines of lots 6 and 12; and 2) Submit a site plan meeting all applicable City standards within 18 months or the use permit will be null and void. The property is located within the City limits and zoned Office & Institutional (O&I). The development site is bordered by medical offices and stormwater ponds, zoned Office & Institutional (O&I) and/or Business 1 (B-1) and undeveloped property zoned Residential 7 (R-7). The proposed development is located within the City limits and as proposed will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy. In accordance with Section 102 Parking Requirements of the City of Jacksonville Zoning Ordinance, hotels are required to provide 1 parking space per room, plus 5 additional spaces for staff. However, any development that is larger than 25,000 square feet is eligible for a 20% reduction (19 spaces) to the number of parking spaces required. As a result, this 91 room hotel is required 96 spaces minus the 19 space reduction or 77 parking spaces. The developer is opting not to utilize the reduction and has identified 109 spaces, 32 more than the requirement. City staff is recommending approval of the site plan with the conditions noted in the staff report.

Ms. VanderVere wanted to know if Cobia Court would be extended to Western Blvd. Mr. Smith stated that he not seen any plans that would indicate this. She asked how the hotel patrons would access the hotel. Mr. Smith said they would use the entrance into the office park.

There was some discussion among Councilman Lazzara, board members, staff and Mr. Parker regarding the streets within the Schilsky Office Park.

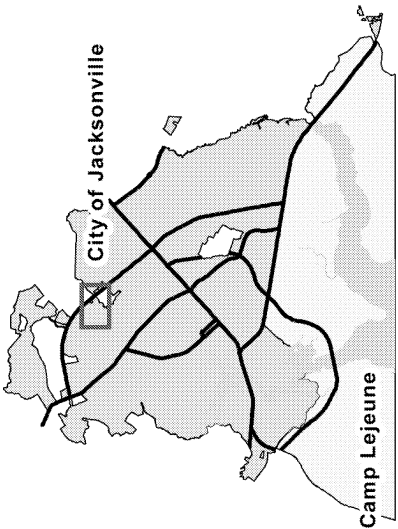
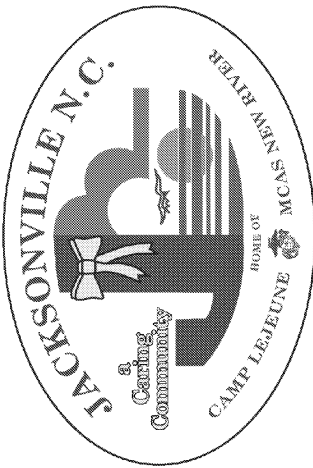
Homer Spring moved to approve the site plan conditioned upon the items noted in the staff report. Alfred Keyes seconded the motion.

The motion to approve the site plan conditioned upon the items noted in the staff report was approved by the Board Members present. The motion was voted for by Vice Chairperson Sandra Wyrick, Alfred Keyes, Homer Spring, Theresa VanderVere, and Danny Williams and against by Pauline Joos.

Attachment

B

Staybridge Hotel - 110 Cobia Court



Centerlines

Parcels

Water Features

Zoning TV Colors

Zones

IND

CU-B

B-1

CU-B-1

B-2

CU-B-2

O&I

CU-O&I

TCA

CU-TCA

CBD

OMU

NB

CU-NB

R-O

RA-20

CU-RA-20

RS-12

RS-10

R-7

RS-7

RS-6

RM-6

RS-5

RM-5

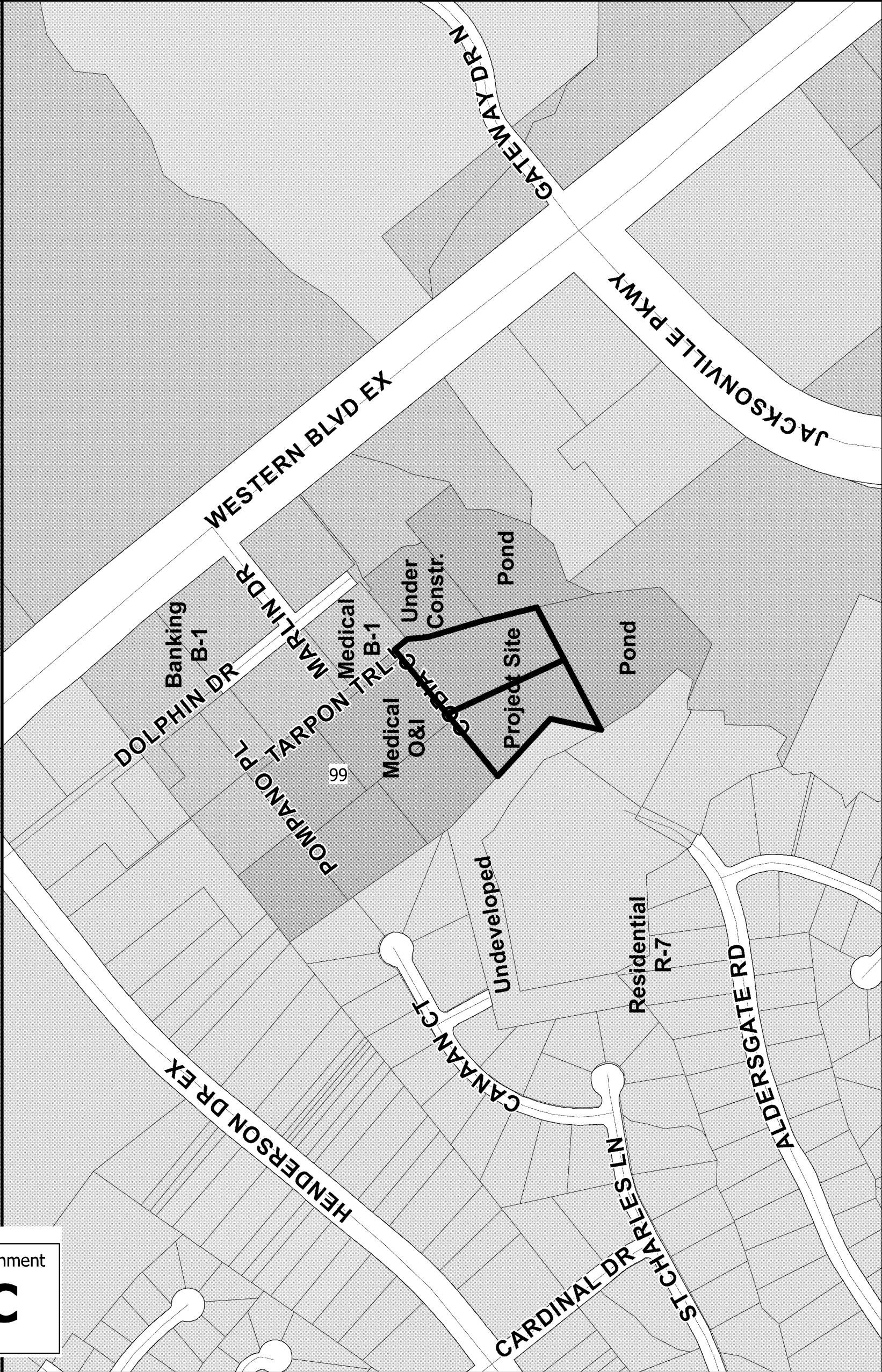
CU-RM5

RD-5

RD-3

CU-RD-3

MR



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.

